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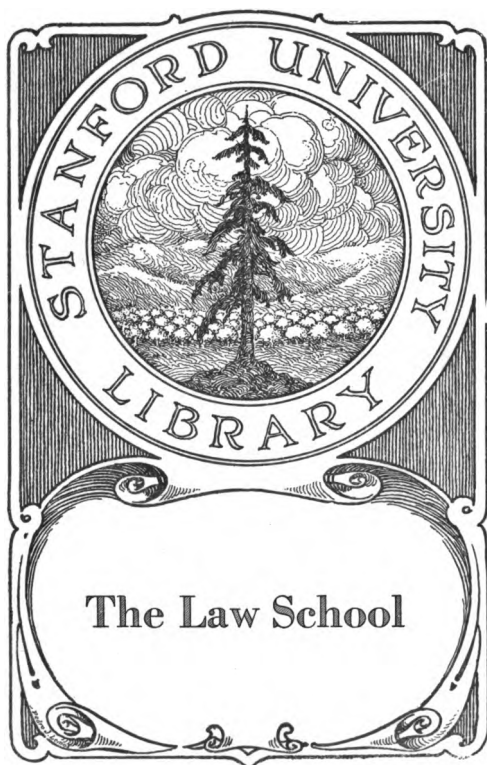
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Articulus Call

ACTS

PASSED AT THE THIRTEENTH SESSION

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ARKANSAS,

WHICH WAS BEGUN AND HELD IN THE CAPITOL, IN THE CITY OF LITTLE
ROCK, ON MONDAY, THE FIFTH DAY OF NOVEMBER, ONE THOUSAND,
EIGHT HUNDRED AND SIXTY, AND ENDED ON MONDAY
THE TWENTY-FIRST DAY OF JANUARY, ONE
THOUSAND, EIGHT HUNDRED
AND SIXTY-ONE.

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ACTS OF ARKANSAS,

1860, 1861.

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ACTS
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THOUSAND, EIGHT HUNDRED
AND SIXTY-ONE.

No. 1.

AN ACT to amend an act entitled "*An act to incorporate the town of Clarendon, in the county of Monroe,*" which was passed at the last session of the General Assembly, and approved the 8th of February, 1859.

SECTION

1. Amendatory of the act incorporating the town of Clarendon.

SECTION

2. Act to be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State*

of Arkansas, That the first section of an act entitled "An act to incorporate the town of Clarendon, in the county of Monroe," passed at the last session of the General Assembly, and approved the 8th of February, 1859, be, and the same is hereby amended so as to strike out the word "seventy" where it occurs in the eighth line of said section, and insert in lieu thereof the word "seven."

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, 13th November, 1860.

No. 2.

AN ACT to extend the limits of the city of Fort Smith, in the State of Arkansas.

SECTION

1. Dr. Elias R. Duval's addition to Fort Smith incorporated with said city.
2. Charter and ordinances of said city to be in force in said addition, in

SECTION

- the limits prescribed in first section.
- Citizens in said addition to enjoy same privileges, immunities and benefits as other citizens.
3. Act to be in force from its passage.

Be it enacted by the General Assembly of the State of Arkansas, That all that part of Dr. Elias R. Duval's addition to the city of Fort Smith, between Water street and King street, with the blocks, streets and allies, as the same are marked and designated on the plat of said addition now on file in the clerk's office of Sebastian county, be and the same is hereby incorporated with the said city of Fort Smith.

Be it further enacted, That the charter and ordinances of said city of Fort Smith shall be in full force and virtue in and over said addition within the aforesaid limits, and the city authorities may and shall exercise all the power and control

therein to the same extent as over the city originally incorporated, and the persons now residing thereon, or who may hereafter reside thereon, shall enjoy the same privileges, immunities and benefits as other citizens of said city.

Be it further enacted, That this act shall take effect and be in force from and after its passage.

APPROVED, November 26th, 1860.

No. 3.

AN ACT *to perfect the organization of the county of Craighead, and for other purposes.*

SECTION

1. The circuit court of Craighead county, to be held at the county seat of said county on the fourth Mondays of March and September in each year.
2. The circuit court of Greene county shall be held at the county seat of said county, on the third Mondays of March and September in each year.
3. All writs, process, suits and proceedings; civil, criminal, or equitable,

SECTION

- brought to or pending in the said courts, shall be returnable to, and proceed, and be heard and determined in said courts at the first term after the passage of this act.
4. It shall be the duty of the judge of the first judicial circuit to hold the circuit courts of Craighead county at such times and places as herein-after provided.
5. Act in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the circuit court of the county of Craighead, of the first judicial circuit, shall be held at the county seat of said county, on the fourth Mondays of March and September of each year.

SEC. 2. *Be it further enacted*, That the circuit court of Greene county, of said judicial circuit, shall be held at the county seat thereof, on the third Mondays of March and September of each year.

SEC. 3. *Be it further enacted*, That all writs, process, suits and proceedings, civil, criminal or equitable, of every nature and description, brought to, or pending in the said courts, shall be returnable to, and proceed, and be heard and determined in the said courts at the next terms thereof, after the passage of this act, in accordance with law.

SEC. 4. *Be it further enacted*, That it shall be the duty of the judge of the first judicial circuit to hold the circuit court of said county of Craighead at such times and places as hereinbefore provided.

SEC. 5. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

APPROVED, November 26th, 1861.

No. 4.

AN ACT to authorize the county and probate judge of Carroll county to cause to be transcribed the records of said county Carroll, and to legalize the same when so transcribed.

SECTION

1. County and probate judge authorized to have record books A of the circuit, chancery, and county and probate courts of Carroll county transcribed by the clerk of said county.
2. The record books, when transcribed, as provided in the first section, to

SECTION

- be held and received as true and authentic records of Carroll county, as the original records were before being transcribed.
3. Clerk entitled to same fees for transcribing the records as he is now allowed by law for similar services. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the county and probate judge of the county of Carroll be, and he is hereby authorized and empowered to cause to be transcribed by the clerk of the circuit court and ex-officio recorder of said county, into good and suitable records,

record book, denominated A, of the circuit court, and of the county and probate courts, and also the chancery record A of said county of Carroll.

SEC. 2. *Be it further enacted*, That the said records, when transcribed in manner and form as contemplated by the first section of this act, shall be held and received as the true and authentic records of the said county of Carroll for any and all purposes whatsoever, as fully, and to all intents and purposes whatsoever as the original records thereof, before being transcribed.

SEC. 3. *Be it further enacted*, That the said clerk of the circuit court and ex-officio recorder of said county of Carroll, shall be entitled to the same fees for his services in transcribing the said records as he is now entitled by law to receive for performing similar services; and that this act take effect and be in force from and after its passage.

APPROVED, November 26th, 1860.

No. 5.

AN ACT to amend the law concerning the wearing of concealed weapons.

SECTION

1. Imprisonment for wearing concealed weapons, repealed.

SECTION

Informer gets no part of fine in future.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That so much of the law now in force concerning the wearing of concealed weapons, that makes imprisonment a part of the penalty or punishment for such an offence, be, and the same is hereby repealed; and that hereafter no part

of the fine imposed upon a conviction for such an offence shall be paid to the informer.

APPROVED, 29th November, 1860.

No. 6.

AN ACT to extend the boundaries of the city of Little Rock.

SECTION

1. The boundaries of the city of Little Rock extended. The following tracts embraced in the corporation limits, viz: N. fr. $\frac{1}{2}$, S. of Ark's river and E. and W. of Quapaw line, of section 2; the N. W. qr. of S. E. qr. of section 2, and the S. W. qr., E. and W. of the Quapaw line, of section 2; E $\frac{1}{2}$ section 3, S. of Ark's river; N. $\frac{1}{2}$ of section 10, and N. W. frl. qr., W. of Quapaw line, of section 11, in T. 1 N., R. 12 W., in Pulaski county.
2. All power, authority and jurisdiction, immunities, franchises and liabili-

SECTION

- ties, of every kind, that are now, according to existing laws, statutes and ordinances, or that may hereafter become applicable to said city and the inhabitants thereof, are extended over the territory of said city, as hereinbefore designated, the space between blocks 7, 8, 9 and 10, running N. and S., E. and W., and between blocks 15 and 16, running N. and S., in Rectortown, may remain closed as at present, at option of owners.
3. This act to be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the boundaries of the city of Little Rock be extended, so as to embrace within the limits of said city the following tracts of land, as the same are designated on the official plats of the public surveys, viz: The north fractional half, south of the Arkansas river, and east and west of the Quapaw line, of section two; the north-west quarter of the south-east quarter of section two, and the south-west quarter, east and west of the Quapaw line, of section two; east half of section three, south of the Arkansas river, the north half of section ten, and the north-west fractional quarter, west of the

Quapaw line, of section eleven, all in township one north of range twelve west, in Pulaski county.

SEC. 2. That all power, authority and jurisdiction, immunities, franchises and liabilities, of every kind, that are now, according to existing laws and statutes and ordinances, or that may hereafter become applicable to said city, and the inhabitants thereof, be and the same are hereby extended over the territory of said city, as herein designated; *Provided, however,* That the space which lies between blocks seven, eight, nine and ten, running north and south, east and west, and between blocks fifteen and sixteen, running north and south, in the obsolete town of Rectortown, may forever remain closed, as at present, at the option of the owners of said blocks.

SEC. 3. This act shall be in force from its passage.

APPROVED, 30th November, 1860.

No. 7.

AN ACT to incorporate a Ferry Privilege in Crittenden county.

SECTION.

1. The privilege of keeping a ferry four or five miles above Memphis, on the Mississippi river, granted to James F. Barton, of Crittenden county, for twenty-five years.
2. The incorporation shall be known as, and called the "Crittenden county Ferry Company," and may sue and be sued by said name and style.
3. James F. Barton may form a limited partnership with persons, and associate them with him in the business of said Ferry.
4. The county court of Crittenden county shall have power to determine the amount of taxes to be

SECTION

- imposed annually upon said privilege.
5. Said Barton, and his associates shall keep and run good steam ferry boat or boats, between his landing and Memphis, capable of making six trips per day to each boat running.
6. No other ferry to be established nearer to said Barton than one mile. Barton and his associates to give bond as public ferry men.
7. The privilege hereby granted shall be assignable.
8. Barton and his associates to have

SECTION

power to carry out the purposes of this act.

9. The company shall keep posted at the places of landing, the time of departure of boats; the company shall furnish other boats if necessary, upon petition of 12 freeholders to county court. For detention of

SECTION

every half hour over advertised time of leaving, company shall forfeit five dollars, to be recovered under existing laws in relation to ferries.

10. Act to take effect and be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the privilege of keeping and running a ferry from the landing of James F. Barton in Crittenden county, Arkansas, about four or five and a half miles above the city of Memphis, Tennessee, on the Mississippi river, be, and the same is hereby granted to James F. Barton, of said county, for the period of twenty-five years.

SEC. 2. *Be it further enacted*, That said incorporation shall be known as, and called the Crittenden county Ferry Company, and may sue and be sued by said name and style.

SEC. 3. *Be it further enacted*, That said James F. Barton may, if he chooses so to do, form a limited partnership with one or more persons, and associate them with him in the business of said ferry.

SEC. 4. *Be it further enacted*, That the county court of said county of Crittenden shall have the power to determine the amount of taxes to be imposed annually upon said privilege as the law now requires.

SEC. 5. *Be it further enacted*, That said Barton, or said Barton and his associates, shall keep and run a good steam ferry boat, or boats, capable of making good time to ply between his landing and Memphis, and said boat or boats shall make as many as six regular trips per day to each boat running.

SEC. 6. *Be it further enacted*, That no other ferry shall be established nearer to said ferry than one mile, and said Barton and his associates shall give bond as public ferrymen are now required by law.

SEC. 7. *Be it further enacted*, That the privilege hereby granted shall be assignable.

SEC. 8. *Be it further enacted*, That said Barton and his associates shall have all necessary powers to carry out the purposes of this act.

SEC. 9. *Be it further enacted*, That said company shall keep posted at both places of landing the time of the departure of said boat or boats, and further, if the public convenience require more than one boat said company shall be required to furnish other boats on the petition of twelve freeholders of the county to the county court, and in determining the necessity of another boat or boats, the court shall be governed by the amount of business the boat then running is doing, and for detention of every half hour over their advertised time of leaving, the company shall forfeit and pay to the party detained, five dollars, to be recovered as existing laws provide for ferries.

SEC. 10. *Be it further enacted*, That this act take effect and and be in force from and after its passage.

APPROVED, December 4th, 1860.

No. 8.

AN ACT to consolidate the Hampton Male and Female Academies.

SECTION

1. Trustees of Hampton Male and Female Academies consolidated.
2. That any suit or suits which may have been brought, or that may hereafter be brought by, or against said trustees, or any contract made by or with them in their consolidated name and style, to be valid and binding. No suit heretofore, or hereafter instituted in the consoli-

SECTION

- dated name of trustees to be dismissed or abated.
3. After the passage of this act trustees to sue and be sued in the name of "The Trustees of the Hampton Male and Female Academy;" portions of act of 5th February, 1859, in conflict with this act repealed. This act to be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the trustees of the Hampton Male Academy, and the trustees of the Hampton Female Academy, incorporated by acts of the General Assembly of the State of Arkansas, approved 5th February, 1859, be and the same are hereby consolidated.

SEC. 2. *Be it further enacted*, That any suit or suits which may have been brought, or that may hereafter be brought, by or against said trustees, or any contract made or entered into by or with said trustees in their consolidated name and style aforesaid, shall be as valid and binding and as effectually prosecuted in any court of law or equity having jurisdiction, as if such contract had been made or suit instituted thereon after the passage of this act, and that no suit that may heretofore have been instituted, or that may hereafter be instituted in the consolidated name of the trustees of the Hampton Male and Female Academies aforesaid, shall be dismissed or abated on account of the distinct and separate existencies of said incorporated bodies, before the passage of this act.

SEC. 3. *Be it further enacted*, That from and after the passage of this act, the trustees aforesaid shall sue and be sued, plead and be impleaded, in the name of "The Trustees of the Hampton Male and Female Academy," and that any portion of said act of incorporation approved 5th February, 1859, in conflict with this act be, and the same is hereby repealed, and this act shall be in force from and after its passage.

APPROVED, December 4th, 1860.

No. 9.

AN ACT to authorize the clerk of the circuit court of White county to transcribe certain records.

SECTION

1. Clerk of White county to transcribe into well bound books certain records. Records transcribed compared and certified by clerk.
2. The clerk to supply missing records of assessment lists and lands offered for sale, from Auditor's office.
3. After records are copied, or transcribed, copies to be valid and

SECTION

- binding as originals, and shall be received as evidence in the courts of the State.
4. Clerk entitled to same fees for transcribing records as now allowed by law for similar services. This act to be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the clerk of the circuit court of White county be, and he is hereby authorized and required to transcribe, into well bound books, the following records of his office, viz: All of the original assessment lists of taxable property, the record or records of the list of lands advertised and offered for sale by the sheriff of said county for non-payment of taxes; and, after the said records shall have been transcribed, they shall be carefully compared, and certified by said clerk to be correct and perfect copies of the original in his office.

SEC. 2. *Be it further enacted,* That should said clerk, upon the examining the records of his office, find any assessment list and records of lands offered for sale for non-payment of taxes, missing from the files of his office, he is hereby authorized and required to procure from the Auditor's office copies of the tax book of said county, made out from missing assessment lists, and of the record of land offered for sale for non-payment of taxes, to supply the place of such missing record.

SEC. 3. *Be it further enacted,* That after said records are so copied or transcribed, the said copies thereof shall be as valid and binding, both in law and equity, as the original might or could be, and that transcripts or copies thereof, attested by the clerk under the seal of his office, shall be received as evidence in all courts of this State, in the same manner and to the same

extent as transcribed from the original, as now provided by law.

SEC. 4. *Be it further enacted*, That the clerk of said county of White shall be entitled to the same compensation for such transcription as is now prescribed by law for similar services, to be paid by said county of White; and that this act be in force from and after its passage.

APPROVED, December 4th, 1860.

No. 10.

AN ACT *to change the time of holding probate court of the county of Yell.*

SECTION

1. Time of holding probate court in Yell county, changed. Probate court hereafter held on the second

SECTION

Monday immediately after the county court.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That inasmuch as the probate court of the county of Yell, is now held by law, on the Tuesday of the same week in which the county court of said county is held, thereby not allowing time for the said county court to transact its necessary business, said probate court be hereafter held on the second Monday, immediately following that on which the county court of said county is now held.

SEC. 2. *Be it further enacted*, That all laws or parts of laws in conflict herewith are hereby repealed, and that this act take effect and be in force from and after its passage.

APPROVED, December 4th, 1860.

No. 11.

AN ACT for the relief of Preston M. Anderson, of Franklin county.

SECTION

1. Sixty dollars in swamp land scrip appropriated to Preston M. Anderson. Auditor to issue his warrant therefor.

SECTION

2. John P. Humphreys to receive and receipt for warrant issued to Anderson. This act to be in force from its passage.

WHEREAS, On the 4th day of March, 1853, Preston M. Anderson purchased of Robert W. Walker, then acting as sub-swamp land commissioner, under the authority of Creed Taylor, swamp land commissioner for the middle division of the swamp land commissioners at Pine Bluff, the north half of the south-west quarter of section thirty-four (34,) in township four south, of range eight west, containing 80 acres of first class swamp land, for which he paid sixty dollars in swamp land scrip, and received a certificate of purchase therefor; And whereas, the said swamp land commissioners, or the secretary of said swamp land commissioners failed or neglected to report said sale of said tract of land to the auditor, as directed by an ordinance of said commissioners, adopted on the 11th January, 1854; And whereas, one forty acres of said tract has been, since said sale to said Anderson, sold to another party, and the other forty acres has not been confirmed to the state as swamp land. Therefore, .

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the sum of sixty dollars in swamp land scrip be, and the same is hereby refunded out of the state treasury, to the said Preston M. Anderson, and the auditor is hereby directed to issue his warrant therefor.

SEC. 2. *Be it further enacted*, That John P. Humphreys be, and he is hereby authorized to receive and receipt for the warrant, to be issued in favor of said Anderson, and that this act be in force from and after its passage.

APPROVED, December 4th, 1860.

No. 12.

AN ACT to authorize the clerk of the circuit court of Lawrence county to transcribe certain records of his office.

SECTION

1. The clerk to transcribe into well bound books certain records; records transcribed to be compared and certified by clerk.
2. The clerk to supply missing records from auditor's office.
3. After records are copied, or transcribed, copies to be valid and bind-

SECTION

- ing as originals; and shall be received as evidence in all the courts of the state.
4. Clerk entitled to same fees for transcribing records as now allowed by law for similar services. This act to be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the clerk of the circuit court of Lawrence county, be, and he is hereby authorized and required to transcribe, into well bound books, the following records of his office, viz: All of the original assessment lists of taxable property; the record or records of the lists of lands advertised and offered for sale by the sheriff of said county, for non-payment of taxes, and the record books of marriages, and after the said records shall have been transcribed, the same shall be carefully compared and certified by said clerk to be correct and perfect copies of the originals in his office.

SEC. 2. *Be it further enacted*, That, should said clerk, upon examining the records of his office, find any of said assessment lists and records of lands offered for sale for non-payment of taxes, missing from the files of his office, he is hereby authorized and required to procure from the auditor's office, copies of the tax books of said county, made out from such missing assessment lists, and of the records of lands offered for sale for non-payment of taxes, to supply the place of such missing records.

SEC. 3. *Be it further enacted*, That after said records are so copied or transcribed, the said copies thereof shall be as valid and binding, both in law and equity, as the original might or could be, and that transcripts or copies thereof, attested by the clerk, under the seal of his office, shall be received as evidence

in all courts of this state, in the same manner and to the same extent as transcripts from the originals, as now provided by law.

SEC. 4. *Be it further enacted*, That the clerk of said county of Lawrence shall be entitled to the same compensation for such transcripts as is now provided by law for similar services, to be paid by said county of Lawrence, and that this act be in force from, and after its passage.

APPROVED, 6th December, 1860.

No. 13.

AN ACT to ratify and make valid An act approved 10th day of January, 1857, changing the name of the Crawford Institute to the Wallace Institute.

SECTION

1. Act approved 10th January, 1857, changing the name of the "Crawford Institute," to the "Wallace Institute," to take effect and be in force from the first day of July, 1857, ratified and made valid.

SECTION

2. All acts performed by the board of trustees in the name of the "Wallace Institute," declared valid and binding.
3. This act take effect and be in force from and after its passage.

WHEREAS, By an act of the General Assembly of the State of Arkansas, approved the 10th of January, 1857, the name of the Crawford Institute was changed to the Wallace Institute which act was to take effect and be in force from and after the first day of July, 1857; *Provided*, Said Crawford Institute should file in the secretary of state's office an acceptance of said act under the seal of said corporation; And whereas, it is represented to this General Assembly that the trustees of said institute did accept said act, but failed to file the acceptance in the secretary of state's office, within the time therein prescribed. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of*

Arkansas, That said act, approved the 10th January, 1857, changing the name of the Crawford Institute to the Wallace Institute, to take effect and be in force from and after the first day of July, 1857, with the proviso, that before the said first day of July, 1857, the said Crawford Institute should file in the secretary of state's office their acceptance of the same, under the seal of said corporation, be, and the same is hereby ratified and made valid; the failure of the board of trustees of said institute to file their acceptance of said act in the secretary of state's office, within the time therein provided, notwithstanding.

SEC. 2. *Be it further enacted*, That all acts and business transactions of every kind done and performed by the board of trustees, in the name of the Wallace Institute, since the change of the name from the Crawford to the Wallace Institute, be, and they are hereby declared valid in as full and complete a manner as if the proviso in said act had been fully complied with by said board of trustees.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, December 6th, 1860.

No. 14.

AN ACT to amend the common school system for Drew, Franklin, Yell and Montgomery counties, approved February 16th, 1859.

SECTION

1. The 4th section of an act approved 16th February, 1859, repealed as far as it relates to Drew county.
2. Common school commissioner of Drew county shall examine all persons proposing to teach a common

SECTION

school in any township in said county; if the applicant is of good moral character and well qualified to teach the English branches, the commissioner shall give him, or her, a certificate of qualification.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the 4th section of the above recited act be, and the same is hereby repealed so far as it refers to the county of Drew.

SEC. 2. *Be it further enacted,* That the common school commissioner for the county of Drew, shall have power to examine all persons proposing to teach a common school in any township in said county, and if the applicant is of good moral character, and shall be found well qualified to teach the English branches, said commissioner shall give him or her a certificate of qualification, which certificate shall be good and valid in said county for one year.

SEC. 3. *Be it further enacted,* That this act shall take effect and be in force from and after its passage.

APPROVED, December 6th, 1860.

No. 15.

AN ACT *making appropriation for the contingent fund of the Executive.*

SECTION

1. Four thousand dollars appropriated to pay contingent expenses of executive department; and the governor shall determine when it is proper to draw upon said fund.

SECTION

- Auditor to issue warrants upon orders of governor.
2. This act to be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the sum of four thousand dollars be and the same is hereby appropriated out of any moneys in the treasury of this state not otherwise appropriated, to pay the contingent expenses of the executive department, and the governor shall

determine when it shall be proper to draw upon said fund in the discharge of his duties, or to protect the interest and enforce the laws of the state, and the auditor shall issue warrants upon the orders of the governor.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

APPROVED, December 6th, 1860.

No. 16.

AN ACT to incorporate the North-western Boader railroad company.

SECTION

1. Names of individuals who compose the corporation.
2. Objects of the corporation.
3. Powers, rights and immunities of the corporation.
4. Capital stock five hundred thousand dollars; twenty thousand shares, twenty-five dollars each. Conditions of payment. Notice to be given.
5. The State of Arkansas and counties of the state may become stockholders.
6. Business of the corporation to be transacted at Fayetteville. The board of directors to number twenty. Seven a quorum. Votes by proxy allowed. Duties and responsibilities of the president.
7. When first board of directors shall be chosen—place of election.
8. First board of directors.
9. Election for directors shall be annual.
10. Certain named persons appointed

SECTION

- commissioners to receive subscriptions.
11. Commissioners may appoint deputies—three to form a quorum. Subscriptions may be closed after \$50,000 is subscribed.
12. President elected. Books for subscription again opened.
13. Books of subscription may be opened from time to time.
14. Survey of road made. Beginning point fixed to work.
15. The persons named in the first section a board for the purposes of organization, etc.
16. Discretionary powers of the board. May forfeit and sell stock on notice.
17. Meeting of the stockholders, and purposes thereof.
18. Powers of the president and directors. Shall keep a regular set of books, and issue stock certificates when necessary.

SECTION

19. Vacancies in board of directors—how filled.
20. Limitation of the powers of the board to borrow money.
21. A stated annual meeting of the stockholders to be held.
22. Stockholder not responsible beyond amount of his stock.
23. Notice to non-resident stockholders may be made in newspaper.
24. What the company shall do if the road is built in certain places named in this section.

SECTION

25. President and directors to fix salaries of officers.
26. Duties of president, clerk, engineer and attorney. No treasurer, director, engineer, clerk, or other officer to be undertaker.
27. Three commissioners may be elected to settle business of company.
28. Contractors to complete 10 miles, or grade 20 miles by January, 1863.
29. Charter shall continue 99 years.
30. This act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Charles G. Scott, Jesse Turner, Henry Wilcox, A. J. Ward, Green J. Clark, John P. Humphreys, B. T. Duval, A. G. Mayers, Wilburn D. Reagan, W. T. Neal, James M. Tuttle, J. Taylor, Jas. A. Hagood, J. W. Washbourne, Jno. Crawford, A. W. Dinsmore, Jas. H. Hobbs, W. J. Howard, Hugh C. Berry, S. E. Kenner, J. C. Montgomery, J. G. McConnell, Smith Matlock, C. W. Rice, W. Mayfield, John Smith, Dr. Haden, be, and the same are hereby constituted a body corporate and politic, by the name and style of the Northwestern Border railroad company, in the State of Arkansas, together with, and of such other persons, corporations, states, counties and cities, as may subscribe to stock in said company, and comply with the provisions contained in this act, and also with the by-laws, rules and regulations of said company, and the general law of the land respecting the same.

SEC. 2. That said corporation is established for the purpose of constructing, working and maintaining a railroad from or near Cassville, in Missouri, connecting with the Southwestern Branch of the Pacific railroad, and running through Washburn's Prairie, in Missouri, thence through Bentonville, Fayetteville, and Van Buren, Arkansas.

SEC. 3. The corporation hereby created by its corporate name and style aforesaid, shall have succession for ninety-nine years, and be empowered and entitled to sue and be sued, plead and be impleaded, grant and take by grant, contract or release, pur-

chase and hold lands and chattels, and have a common seal, power of alteration, and all other such ordinary and necessary powers, liberties, privileges, franchises and incidents of bodies politic and corporate, as under this act, and the general law of the land, it may legally take, possess, hold and enjoy.

SEC. 4. The capital stock of the company is fixed at \$500,000, divided into 20,000 shares of \$25 each; a payment of five per cent. on the amount of each share shall be made at the time of subscribing; the subsequent payments shall be made in such sums, and at such periods as shall be fixed by the board of directors; *Provided*, That no call shall be made for more than ten per cent. at any one time, and that sixty days' notice of each call shall be given, by publication in some newspaper, one in the city of Fayetteville, Van Buren and Fort Smith, respectively, or by written or printed notices delivered to each stockholder, or sent to his nearest post-office.

SEC. 5. The State of Arkansas and the several counties along the line of this road, or elsewhere in the state, may become stockholders in said company by subscribing for stock therein, and in the event that any or either of them do so, they shall be represented in the directory in the manner hereinafter provided.

SEC. 6. The business of the corporation shall be conducted at its domicil in the city of Fayetteville, by a board composed of twenty directors, who shall be stockholders. A quorum shall consist of at least seven directors. At all elections by the stockholders, and all their meetings, each share shall be entitled to one vote, with the exception as to the election for directors of the state, as hereinafter mentioned. Voters may vote in person or by proxy. Counties becoming stockholders shall vote by such persons or officer as shall be designated by the county court, by order upon its record; the state shall vote by such person as shall be designated by the governor; and after the first year, all shares of stock must be owned and possessed by the voter in his own right, or by his principal, three months before they are voted on. The president of the company is the officer designated as the one on whom legal service of all

processes or citations, writs or notices against or to the company, may be made, and the company agrees to be bound by such service, whether made on the president in person, or left in writing to his address, at the office of the company, in the hands of any of its officers.

SEC. 7. The first board of directors shall be chosen as soon as the first list of subscription shall be closed at the court-house in Fayetteville, at such time as shall be designated by the commissioners charged with receiving subscription at Fayetteville, hereinafter named. Notice of said election shall be given by publication in two newspapers, at least twenty days before the election. The state shall be entitled to one director for every fifty thousand dollars she may subscribe as stock in said road.

SEC. 8. The first election shall be held under the superintendence of three commissioners, to receive stock subscriptions at Fayetteville; all further elections under the superintendence of three commissioners appointed from among the stockholders by the board of directors for the time being. The first directors shall hold their office till the first Monday in July, 1862.

SEC. 9. The election for directors shall be annual, and be held on the first Monday in July, after the first board's term of service shall have expired, and each board shall hold their office till their successors are elected and qualified.

SEC. 10. The following persons are hereby appointed commissioners, for the purpose of receiving subscriptions to the stock of said corporation, viz: From the city of Fort Smith, R. P. Pulliam, A. G. Mayers, John F. Wheeler, Solomon F. Clark; from the city of Van Buren, James T. Stewart, L. C. Southmayd, M. Lynch, Davidson Dickson; from the city of Fayetteville, James R. Pettigrew, Jas. H. Van Hoose, J. H. Stirman, Lafayette Boone, Wm. T. Neal, James Mitchell, J. W. Greer, H. M. McGuire, John G. Smith, Wm. S. Deaver, John Holcomb, and John Billingsley; from the town of Bentonville, John A. Arrington, R. E. Doak, H. A. Anderson and J. Dunnigan; from the town of Huntsville, Thos. D. Berry, Elijah Drake, Dr. J. M. Johnson and J. G. McConnell; from the town of Carrollton, W.

W. Watkins, Bradley Bunch, Smith Matlock and Tif. Denton; from the town of Ozark, Squire Boone and W. Mansfield; from the city of Clarksville, F. I. Batson, J. F. Hill; from the town of Greenwood, Jas. A. Brown; from the town of Maysville, Dr. Haden and W. May, and from Benton county, C. W. Rice, W. Mayfield and John Smith.

SEC. 11. The said commissioners shall have power to appoint deputies or agents in other places for receiving subscriptions. Three shall form a quorum to do business in Fayetteville, Bentonville, Van Buren, Fort Smith, Greenwood, Ozark, Clarksville, Carrollton, Huntsville and Maysville. The lists for subscription shall be temporarily closed as soon as fifty thousand dollars are subscribed. Notice of opening them shall be given in one newspaper published in each, if there be any in each, place where they are to be opened; all subscription lists shall be returned to Fayetteville, and there be registered in the office of the recorder of deeds, and otherwise disposed of as may be required by law.

SEC. 12. The directors shall elect one of their body as president of the company, at their first meeting after the election. Immediately after the election of the first board of directors, subscription lists shall again be opened for the term of four months, in the State of Arkansas, and elsewhere, as the said board of directors may deem advisable, and the power to make all needful by-laws and regulations for the government of said corporation is hereby granted to said board of directors.

SEC. 13. The said subscription books may be opened and closed, from time to time, till the whole capital shall have been subscribed.

SEC. 14. A survey of the whole road shall be made as soon as the board of directors are elected, and the route through its whole extent shall be definitely fixed, determined and marked. Whenever the sum of one hundred thousand dollars is subscribed, the construction of said road shall be commenced at such point or points as the directory shall determine.

SEC. 15. Until the first board of directors is organized, the persons hereinabove mentioned, specially in section one, shall,

for all purposes of organization, and other preliminary purposes, constitute a board of directors, with authority to procure, at the cost of the company, a preliminary examination and reconnoissance of the route between the point of beginning, near the Missouri line, and Fort Smith, Arkansas, and it shall be their special duty to procure from persons on the entire line of the road, relinquishments to the company of the right of way, to which end the company shall pay for all incidental expenses of reconnoissance, printing and advertising incurred by them, and authority is hereby given them to employ and pay all necessary agents to obtain such relinquishments, and do anything necessary to the organization of the company.

SEC. 16. In the case of failure on the part of any subscriber to pay installment on his stock when and as required, the amount due shall be on interest at the rate of ten per cent. per annum from the time it falls due. The board of directors shall have the option, after ninety days' written notice to the defaulter, to forfeit his stock and sell it at auction for the benefit, and at the risk of the said stockholder, and sue him for any deficit afterwards remaining, or compel, by suit, the payment of such installment, and no stockholder shall be permitted to vote personally or by proxy, for himself, or as proxy for another while in default.

SEC. 17. All meetings of stockholders shall be composed of persons or corporations, or the agents of persons or corporations holding, in the aggregate, more than one-half of the stock of the company taken and subscribed for, in order to make valid and binding their action in the premises, except meetings called for the purpose of diminishing or increasing the capital stock of the company, at which three-fourths of the stock shall be represented, when it is required only that more than one-half of the stock shall be represented, and such is not the case, the meeting shall be adjourned for one week, and at such adjourned meeting the a majority of the stock present and represented shall bind the company in the same manner as if a majority of all the stock were present and represented.

SEC. 18. The president and directors of said corporation shall

have power to do everything necessary for the construction, repair and maintainance of the railroad hereinbefore described, with as many tracks as they may deem necessary; to fix and determine the line of the road, and the depots that may be necessary; to make and construct, or procure to be made and constructed, all works and erections whatever for the purpose and complete working of said road; to let, to contract the building of said road, and pay for the same as it shall be completed by divisions of ten miles each; to fix the rate of toll for passengers and merchandize; to declare semi-annually the dividends arising from the working of the road, or any section or sections of it, after payment of all necessary expenses, which dividends shall be declared and payable within the last fifteen days of the months of May and November in each year; the directors shall make a report in full detail to the stockholders upon the first day of June and December in each year, of the working of the road and its expenses and profits, as also a detailed statement of all contracts during the process of constructing the road and its bridges, they shall cause to be kept a regular set of books, in which shall be entered in the regular order of their several dates, all business or other transactions of the company, which books shall always be open to the inspection of any stockholder, at the office of the company during the business hours of the day; they shall keep a stock book, and certificates of stock shall be issued to the stockholders, and no transfer of stock shall be binding on the company until made on its stock book, and they shall call a meeting of the stockholders on the written requisition of the stockholders representing one-fifth of the stock of the company, or on the requisition of the proper authority representing the state, if she becomes a stockholder.

SEC. 19. Any vacancy in the board of directory occurring during the year may be filled by a vote of such of the directors as hold their offices by election.

SEC. 20. The limitation as to the amount which the board of directors may borrow does not apply to contracts upon credit for the furnishing of iron, equipments, other necessary supplies

or labor, or to a contract for the construction of the whole road or a section thereof.

SEC. 21. A stated annual meeting of the stockholders shall be held on the last Monday of June in each year, to receive the report of the last year's operations and business, and for examining into the condition of the company's affairs, before which meeting the annual statement shall be laid.

SEC. 22. No stockholder in this company shall be, in any event, responsible for losses of the company to any greater amount or extent, in the whole, than the amount of stock subscribed for and taken by him.

SEC. 23. Any notices required by this charter, or the by-laws, to be served on stockholders, may be served on non-residents by one advertisement in a newspaper at Fayetteville the proper length of time required for service, and such notice, prior to the action or proceeding, to be based thereon.

SEC. 24. If the said road be anywhere built along or across any state or county public road, or the streets or wharves of any town or city, the said company shall keep good and sufficient causeways, and good and sufficient stock-breaks where the said road may enter or pass out of any farm or plantation, or adequate facilities for crossing the same; and the said railroad shall not be so constructed as to prevent the public from using any road, street or highway, along or across which it may pass; when said railroad shall be carried across any navigable stream a bridge shall be erected of sufficient height, or a suitable draw-bridge constructed, so that in no case shall the free navigation of such stream be obstructed; when any person shall own land on both sides of said railroad, said company shall, when required to do so, make and keep in good repair, one causeway, or other adequate means of crossing the same.

SEC. 25. The president and directors may fix the salaries of the president, secretary, treasurer, and all other officers, agents and servants of said company, and take security from them when expedient; but no director shall receive any compensation for his services as director.

SEC. 26. The president, or any clerk, engineer, or attorney, in

the regular employment of said company, and directors may if they consider it expedient, receive subscriptions for stock, payable in labor or materials, in aid for the road, to be done or finished under the superintendence of the directors of said company, or officers appointed by them, bond being taken to the company, with security for the faithful performance of the work, or furnishing of the materials. No director, treasurer, engineer, clerk, servant or other officer of the company, shall be an undertaker or contractor of, or for any work on said road.

SEC. 27. At the expiration of this charter, or whenever the dissolution of the corporation shall render its liquidation necessary, three commissioners shall be elected by the stockholders, whose duty it shall be to take possession of the property of the company, and conduct its business to final liquidation, on such terms and in such manner as shall be determined by the meeting of the stockholders whereat they are elected, which meeting shall be regularly convened for that purpose, and if, at the expiration of the present charter, a majority of the stockholders in number and amount, shall desire to renew the same for a further term, the stockholders dissenting from such renewal shall be bound to transfer their stock to those desiring the renewal, at its fair value, to be fixed by appraisers mutually chosen for that purpose.

SEC. 28. The company contracting for the building of said road shall be bound for the completion of ten miles of said road, or for the grading of twenty-five miles of the same, by the first day of January, 1863.

SEC. 29. This charter shall continue for the term of ninety-nine years, at the end whereof all the corporate privileges hereby granted shall cease and determine.

SEC. 30. This act shall take effect and be in force from and after its passage.

APPROVED, 6th December, 1860.

No. 17.

AN ACT to amend chapter 18 of Gould's Digest, entitled "*Attachments of Boats, Vessels,*" etc.

SECTION

1. Boats or vessels built, repaired or equipped, or running upon any of the navigable waters of this state, shall be liable for all contracts made by the owners, etc.
2. Boats or vessels liable for all torts.

SECTION

3. Boats or vessels may be sued by name or description for contracts and torts, and attached as now provided by law.
4. This act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all boats and vessels of all descriptions, built, repaired, or equipped, or running upon any of the navigable waters of this state, shall be liable for all contracts of every kind made by the owners, masters or supercargoes of such boats or vessels, for, or on account of such boats or vessels.

SEC. 2. *Be it further enacted*, That when such boats or vessels, mentioned in the preceding section, shall commit any tort whatever, such boats or vessels shall be liable for the same.

SEC. 3. *Be it further enacted*, That for all contracts and torts mentioned in this act, such boats or vessels may be sued by name or description, and attached, in the manner now prescribed by law in other cases of attachment of boats and vessels.

SEC. 4. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, December 7th, 1860.

No. 18.

AN ACT to repeal an act passed at the last session of the General Assembly, entitled "an act for the benefit of the Princeton Male and Female Academies," approved 3d February, 1859.

SECTION

1. Act for the benefit of "Princeton Male and Female Academies," approved 3d February, 1859, repealed.

SECTION

- 2 This act take effect and be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That act No. "80," page 77, approved February 3d, 1859, and entitled "an act for the benefit of the Princeton Male and Female Academies," be and is hereby repealed.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

APPROVED, December 7th, 1860.

No. 19.

AN ACT to incorporate the Helena Home Insurance Company.

SECTION

1. Insurance company established, capital \$250,000, authority to increase capital to \$500,000; divided into shares of \$50 each; body politic to be known by the name and style of "The Helena Home Insurance Company," to sue and be sued, plead and be impleaded, in any court of law or equity in the state; to continue for fifty years.

SECTION

2. Certain persons appointed commissioners, (any three of whom may act), to open books for subscription at Helena, books to be kept open ten days; stockholders to elect five directors, who shall hold their office until first Monday of January, 1862, and until their successors are elected; if the stock is not all taken,

SECTION

- books may be opened from time to time, upon notice, till it is taken.
- 3 When \$50,000 is paid in, company to organize and make insurances, and go on to increase the capital to \$250,000 or \$500,000, at discretion.
 4. The company are authorized to hold, possess and acquire, and the same to sell and convey, all such real estate as may be necessary for its business, or conveyed to it to secure debts; may have and use a common seal, and make regulations and by-laws for the government of the company.
 5. They shall have no one risk to exceed one-third of its capital paid and secured to be paid, the company shall issue certificates to the stockholders, agreeable to the amount or amounts paid on the shares subscribed.
 6. The company shall have power to make insurances upon land and water, and against fire, and on levees; to accept and execute all trusts of any description committed or referred to them; to receive and hold lands with general or specific covenants, to protect the rights of said company, and power to dispose of the same.
 7. The company may invest any part of the capital stock, in any public stocks or funded debt created under the laws of the United States or this State, and the same to sell or transfer at pleasure.
 8. The business to be under the control of five directors, each of whom shall be the owner of 25 shares of capital stock; the individual property of stockholders bound for debts of corporation.

SECTION

9. Election of directors to be at Helena on first Monday of January, in each year; twenty days' notice given of the same; each shareholder entitled to give one vote for each share; and if no election held, old board to continue, and order another election to be held. Vacancies how filled:
10. Directors to elect one of their body president; vacancy in office, how filled; vacancies in directors, how filled; and shall appoint their own officers.
11. The president and two directors may insure upon all property.
12. Stockholders may sell or transfer stock—provided it shall be made upon the books of the company.
13. Half-yearly statements of the condition of the company shall be made on first Mondays of January and July in each year.
14. The board shall have power to forfeit stock for non-payment of installments, and sell the same on twenty days' notice; president and directors to transfer stock sold.
15. The board have power to demand additional security for unpaid stock, and, in default of such security, to sell stock.
16. The company has power to insure any property not named in this act.
17. President and directors have power to establish agencies.
18. The company shall pay to the state a bonus of $\frac{1}{8}$ of one per cent. of the capital subscribed and paid in, for the privilege; and capital exempt from further taxation.
19. The company may receive on deposit moneys, goods, wares and merchandise. Not to use its charter for banking purposes under penalty of forfeiture.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That an insurance company shall be established*

in the city of Helena, in Phillips county, with a capital of two hundred and fifty thousand dollars, with power and authority to increase the capital stock to five hundred thousand dollars, to be divided into shares of fifty dollars each, to be subscribed for in the manner hereinafter specified; which body politic shall be known by the name and style of "The Helena Home Insurance company," and by that name may sue and be sued, plead and be impleaded, in any court of law or equity in this state, and shall so continue for the period of fifty years.

SEC. 2. *Be it further enacted*, That Charles P. King, John F. Hanks, Henry P. Coolidge, John N. Ware, William F. Sale, Thomas Barrow, George W. Gray, James T. Moore, Arthur Thompson, Daniel B. McKenzie and George West, be, and they are hereby, appointed commissioners, (any three of whom may act), and are authorized to open books for subscription, at the said city of Helena, hereinbefore mentioned, or at such other place, or places, as they may designate, for the capital stock of said company, on first Monday in January next, or at any subsequent time which they may designate, and to keep them open for ten successive days, from ten o'clock, a. m., until four o'clock, p. m., unless the said stock shall be sooner taken; and if the said stock shall, within the said ten days, be subscribed for, it shall and may be lawful for the stockholders to meet and elect five directors, who shall hold their office until the first Monday in January, 1862, and until their successors are elected; *Provided*, That if the said stock is not all subscribed at the time appointed, the books may be opened from time to time, upon notice, until the stock is taken.

SEC. 3. *Be it further enacted*, That said company shall proceed to organize themselves, and make insurances, as herein-after provided, when the sum of fifty thousand dollars shall have been subscribed and actually paid in, but they may go on as hereinbefore and hereinafter provided, to increase said capital stock to two hundred and fifty thousand dollars, or ultimately to five hundred thousand dollars, at their discretion.

SEC. 4. *Be it further enacted*, That said company is hereby authorized to hold, possess and acquire, and the same to sell

and convey, all such real estate as shall be necessary for the convenient transaction of its business, or which may be conveyed to said company for the security of any debt or debts which may become due or owing, or in satisfaction of any judgment or decree rendered in favor of said company, and may have and use a common seal, the same to alter or renew at pleasure, and may make such other regulations and by-laws as shall be necessary and proper for the good government of said company, not inconsistent with the laws and constitution of this state, or with the laws and constitution of the United States.

SEC. 5. *Be it further enacted*, That said company shall have no one risk to exceed one-third of its capital stock paid, and secured to be paid, and that said company shall, when the stockholders thereof, in pursuance of a call of said company for the payment of installments on stock of said company, and the same shall be paid according to the provisions of this act, issue to such stockholder a certificate of the amount or amounts so by them respectively paid on such share or shares so subscribed.

SEC. 6. *Be it further enacted*, That said company shall have full power and authority to make insurances upon ships, steamboats, flatboats, and other water-crafts, and goods, wares and merchandize, and furniture and other articles, gold, silver, bullion or money, against all maritime risks, or risks of the rivers or lakes; and upon houses, stores, or other buildings, goods, wares and merchandize, and other articles, against fire; and to fix a premium thereon; and the said company shall have power to make insurance on levees; to accept and execute all such trusts of any description as may be committed to them by any person or persons whatever, or may be transferred to them; to receive and to hold lands, under grants with general or specific covenants, so far as the same may be necessary to protect the rights of said company, and the same again to sell, convey and to dispose of, and generally to do and perform all other things necessary to promote their objects.

SEC. 7. *Be it further enacted*, That said company may invest

any part of the capital stock, money, funds, or other property, in any public stocks or funded debt, created or to be created under any of the laws of the United States, or this or any other state, or in exchange, or other commercial or negotiable securities, and the same to sell or transfer at pleasure.

SEC. 8. *Be it further enacted*, That the real and personal estate, business and funds of said company, and the administration of its affairs, shall be under the direction, management and control of five directors, each of whom shall be owner, in his own name, of not less than twenty-five shares of the capital stock of said company, and that the individual property, both real and personal, of every stockholder in said institution shall be held and bound for the payment of the debts of said corporation to the extent of the stock of each stockholder.

SEC. 9. *Be it further enacted*, That an election shall be held, after the first, for the election of a board of directors for said company, at the office of said company, in the city of Helena, on the first Monday in January in each and every year, of which twenty days' notice shall be given, in two or more newspapers of this state, that each shareholder shall be entitled to give one vote for each share of which he may be the owner, and the persons so elected shall serve as directors for the next succeeding twelve months, and if, at any time, an election shall not be held as herein provided, the said company shall not be dissolved; the board of directors for the time being shall serve until another election shall take place, which may be at any time thereafter, the board for the time being giving at least ten days' notice thereof, in at least two newspapers printed in this state; and the said directors are hereby authorized to fill any vacancy which may take place from death, resignation or otherwise.

SEC. 10. *Be it further enacted*, That the directors so elected shall elect one of their body president of said company, who shall serve until the next annual election, and until his successor is elected, and in case of his death, resignation or removal, the board shall appoint a president pro tempore; they shall fill all vacancies which shall occur in their own body, and shall

appoint a secretary, and subordinate officers, clerks, agents and servants of said company, and define their powers and prescribe their duties; who shall hold their offices during the pleasure of the body.

SEC. 11. *Be it further enacted*, That the president and two of the directors shall have full power and authority to insure upon all and every description of property, and may receive, for the amount of the premium, such security, and payable at such times, as they may deem satisfactory and in conformity with regulations which may, from time to time, be established by the board.

SEC. 12. *Be it further enacted*, That it shall and may be lawful for the stockholders of said company to sell or transfer said stock as they do other personal property; *Provided*, That in every case of sale or transfer, the same shall be made upon the books of the company.

SEC. 13. *Be it further enacted*, That on the first Mondays in January and July in each year, half yearly statements shall be made of the situation of the capital and of the state of the accounts of the company, which shall be laid before the stockholders, with the amounts, numbers and risks undetermined, and such dividends of the profits may be made as the president and directors may think advisable, but they shall in no case diminish the capital stock.

SEC. 14. *Be it further enacted*, That if, at any time, a stockholder shall fail to pay such installments on his stock as may be called for at the time and in the manner prescribed by the board of directors, they, the said board, shall have full power to declare such stock forfeited, and shall, after giving twenty days' notice thereof, in some newspaper published in the said city of Helena, offer the same for sale at public auction, to the highest bidder for cash, and the number of shares so sold shall be transferred to the purchaser or purchasers by the president and directors of said company, who shall, by notice of such transfer, become a member of such company, and if the same be not equal to the amount paid and the call for which it is sold, the company may proceed to collect the residue from the

original stockholder, by suit in any court or tribunal of the state, having jurisdiction thereof.

SEC. 15. *Be it further enacted*, That the board of directors shall have power, at any time when, in their opinion, the interest of the company requires it, to demand of any stockholder additional security for such part of his stock as may remain unpaid, and if such stockholder shall fail or refuse to give additional security, to the satisfaction of the board of directors, they may declare said stock forfeited, and sell the same as provided for in the preceding section.

SEC. 16. *Be it further enacted*, That said company shall have power to insure any property not named in this act.

SEC. 17. *Be it further enacted*, That the president and directors of said company may have power to establish agencies in the State of Arkansas, or elsewhere, if to them it may seem proper.

SEC. 18. *Be it further enacted*, That said company shall pay to the state the amount of one-eighth of one per centum per annum, on the amount of capital stock subscribed for and paid in, as a bonus for this charter, but said capital stock shall be perpetually exempted from further taxation for any purpose.

SEC. 19. *Be it further enacted*, That the said insurance company shall have authority to receive on deposit goods, wares, merchandize, gold, silver, bullion, money, or other valuable thing; but shall forfeit all the rights herein granted, if it shall use, or attempt to use, its charter for banking purposes by issuing certificates of deposit intended to be used as a circulating medium, or currency, in place of money.

APPROVED, December 11th, 1860.

No. 20.

AN ACT to amend an act entitled "An act to authorize Desha and Mississippi counties to levy and collect a road tax," approved the 13th day of January, 1857.

SECTION

1. Section two of an "act to authorize Desha and Mississippi counties to levy and collect a road tax," repealed as far as the same is applicable to Desha county.
2. Overseers or supervisors of roads may require all persons liable to work on roads, to work six days in each year, in addition to the tax; overseers or supervisors to give the

SECTION

- tax-payers notice of the time and place of working, and kind of tools each one is to use; and every person notified who shall fail to work shall forfeit \$1 00 per day for use of his road district, to be recovered by action of debt.
3. All laws conflicting are repealed, and this to take effect and be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That section two of "an act to authorize Desha and Mississippi counties to levy and collect a road tax," approved the 13th day of January, 1857, be, and the same is hereby repealed, so far as the same is applicable to the county of Desha.

SEC. 2. *Be it further enacted,* That the overseers or supervisors, in and for the county of Desha may require all persons liable by existing laws, to work public roads, to work six days in each year upon the roads, in addition to the tax, if necessary to keep the roads in a good traveling condition, and it shall be the duty of the supervisors or overseers to give all the tax payers or persons liable to work on the road, three days' notice of the time and place for working the road, and to specify the kind of tools each one is required to use, and every person so warned, who shall fail or refuse to work, shall forfeit and pay for the use of his road district, one dollar per each day he fails to work, to be recovered by action of debt, in the name of the supervisor or overseer, to whose division he belongs.

SEC. 3. *Be it further enacted,* That all laws in conflict with

this act be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

APPROVED, December 12th, 1860.

No. 21.

AN ACT to authorize Thomas Linton, of Pope county, to take possession of the tax-book of J. L. Linton, late sheriff of said county, and collect the taxes due on said book.

SECTION

1. Thomas Linton authorized to take possession of the tax-book of J. L. Linton, late sheriff of Pope county, and collect the state and county revenue due thereon.

SECTION

2. First to give bond, to be approved by the county court.
3. Upon approval of bond, authorized and empowered to collect taxes.
4. Act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That Thomas Linton, of Pope county, is hereby authorized and directed to take possession of the tax-book of J. L. Linton, deceased, late sheriff of Pope county, and collect the state and county revenue due on said book.*

SEC. 2. That before proceeding to collect any portion of said taxes, said Thomas Linton shall first execute a bond, to be approved by the county court, in such amount as may be sufficient to secure the state and county revenue aforesaid.

SEC. 3. That upon the execution and approval of such bond, as aforesaid, said Thomas Linton is authorized and empowered to collect said taxes in as full and ample a manner as said sheriff might have done, if alive, and he is hereby authorized to use, execute and employ all such process, powers and proceedings, as may be necessary to enforce the collection of said taxes.

SEC. 4. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, December 12th, 1860.

No. 22.

AN ACT to authorize the county court of Benton county, Arkansas, to appoint a tax collector for the year 1860.

SECTION

1. County court of Benton county authorized to appoint tax collector for the year 1860.

SECTION

2. Tax collector appointed to be governed by existing laws.
3. Act to be in force from its passage

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the county court of Benton county, at the January term thereof, or at any called term thereafter, be, and is hereby authorized to appoint some suitable person to collect the state and county tax for the year eighteen hundred and sixty.

SEC. 2. *Provided*, That such tax collector, when appointed, shall be governed by the laws now existing, under the head of tax collector.

SEC. 3. That this act take effect from and be in force from and after its passage.

APPROVED, December 13th, 1860.

No. 23:

AN ACT to legalize the record of certain marriage certificates in the county of Poinsett.

SECTION

1. Marriage certificates recorded in book B. between pages one and sixty-

SECTION

- three, declared legal and valid.
2. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the records of all marriage certificates made and contained in book B, of marriage registries, between pages one and sixty-seven inclusive, of said registry, now in the office of the clerk of the county court of said county of Poinsett, be, and the same are hereby declared legal and valid.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its passage.

APPROVED, December 13th, 1860.

No. 24.

AN ACT to repeal an act entitled *An act to further amend the charter of Helena, and for other purposes.*

SECTION

1. Act to amend the charter of the city of Helena, passed 21st February, 1859, repealed.

SECTION

2. This act to take effect from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That an act to amend the charter of the city of Helena, passed and approved on the 21st of February, 1859,

be, and the same is hereby repealed; this act to take effect from and after its passage.

APPROVED, December 13th, 1860.

No. 25.

AN ACT *to provide for the registration of scrip of Independence county, and for other purposes.*

SECTION

1. All scrip issued prior to the passage of this act to be presented for registration by first August, 1861.
2. Clerk to furnish book, and form to register scrip prescribed.
3. Scrip registered to be written across in red ink; form of certificate.
4. Scrip hereafter issued to be registered in new book in the same manner prescribed in section two of this act; a column for book and page to be added for allowance.
5. Clerk to provide a book in which he shall only enter orders making allowances on the treasury, and to index the same at the end of each term.
6. Clerk allowed fifteen cents for registering each old warrant, and to

SECTION

- be allowed reasonable pay for his trouble.
7. Persons holding old warrants forever barred, if not presented in proper time.
8. Collector not to receive scrip issued before the passage of this act, unless the same has on its face the certificate required by section three of this act.
9. Sheriff to give notice of the provisions of this act by one printed notice at each place of voting in each township, forty days before the 1st of August, 1861; sheriff allowed compensation; and this act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That all scrip and treasury warrants that may have been issued by order, or on allowances of the county court of Independence county, by the clerk of said court, prior to the passage of this act, shall be presented to the clerk of said county court, at the clerk's office of said county, in the town of*

Batesville, on or before the first Monday of August, 1861, for registration, according to the provisions of this act.

SEC. 2. *Be it further enacted*, That it shall be the duty of the clerk of said county, at the expense of the county, to procure a well bound book, in which he shall register all scrip or warrants presented to him under this act and he shall show in said register the number and date of the warrants, to whom issued, on what account issued, the amount, and if it has been protested by the county treasurer, the date of protest, by whom presented, date of presentation, the amount of principal, and the interest due on same (if any,) to the 1st of August, 1861; and he shall, in a last and separate column, show the whole amount, principal and interest due on such warrant up to the said 1st day of August, 1861. The register hereof required to be kept by the clerk, may be in the following form:

No.	Date.	To whom issued.	On what account.	Amount.		Date of protest.	By whom presented.	Date of presentation.	Principal.	Interest to 1st August, 1861.	Total amount.	
				\$	cts.						\$	cts.

SEC. 3. *Be it further enacted*, That when any scrip or treasury warrant is presented and registered, under the provisions of this act, the clerk of said court shall certify that fact by writing across the face of said warrant, in red ink, a certificate, which shall be under his hand and seal of office, and may be in the words following:

STATE OF ARKANSAS,)
COUNTY OF INDEPENDENCE.)

I, ———, clerk of the county aforesaid, hereby certify that this warrant was this day presented to me by ———, and duly registered.

Witness my hand and seal of office, this ——— day of ———, 186—.

————, Clerk.

SEC. 4. *Be it further enacted*, That from and after the passage

of this act, the clerk of said court shall register all scrip and treasury warrants issued, in a new book, to be by him kept for that purpose, and which he shall procure at the expense of said county; said register to be kept as now provided by law, except that a column shall be added, showing the record book, and page thereof, containing the allowance.

SEC. 5. *Be it further enacted*, That it shall be the duty of said clerk to provide, in manner aforesaid, a well bound book, in which he shall enter all orders of said court, making allowances on the county treasury, and no other matter or thing shall be entered therein, except the usual opening and adjourning orders; and said record of claims allowed shall be registered as other proceedings of the court, and shall have the same force and effect; said book shall be fully indexed by the clerk at the end of every term of the county court.

SEC. 6. *Be it further enacted*, That the clerk of said court shall be allowed the sum of fifteen cents for each old warrant presented and registered, under this act, to be paid by the county, and county court shall allow him for his trouble in relation to the other duties hereby imposed on him, as may be reasonable.

SEC. 7. *Be it further enacted*, That all persons holding or owing scrip or treasury warrants of said county of Independence, issued prior to the passage of this act, and who shall neglect or refuse to present the same to the clerk of said county for registration, as required by this act, shall be forever barred from the benefit of their said claims, and said court shall be released from the payment of the same.

SEC. 8. *Be it further enacted*, That it shall not be lawful for the sheriff and collector of said county to receive in payment of the revenue of said county, after the first day of August, 1861, any scrip or treasury warrant of said county, issued prior to the passage of this act, unless the same has on its face the certificate of registration provided for in section three of this act.

SEC. 9. *Be it further enacted*, That the sheriff of said county shall give notice of the provisions of this act, by putting up at least one printed advertisement at the place of voting in each

township of said county, at least forty days before the 1st of August 1861, for which service he shall be allowed such compensation as the county court of said county shall deem reasonable; that this act shall take effect and be in force from its passage.

APPROVED, December 13th, 1860.

No. 26.

AN ACT *amendatory to an act approved 15th January, 1857, incorporating Mount Holly Church and Academy, in the county of Union.*

SECTION

1. Not lawful to sell alcoholic or spirituous liquors within three miles of Mount Holly Church, except for medical or mechanical purposes.

SECTION

2. Indictment and fine for violating the provisions of section one.
3. This act to take effect and be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That it shall not be lawful for any person to sell alcoholic or spirituous liquors within three miles of the Mount Holly Church and Academy, except for medical or mechanical purposes.

SEC. 2. *Be it further enacted,* That any one violating the provisions of the above section shall be subject to indictment before the grand jury of the county in which said academy and church are situated, and on conviction be fined in a sum not less than fifty dollars.

SEC. 3. *Be it further enacted,* That this act be in force and take effect from and after its passage.

APPROVED, December 17th, 1860.

No. 27.

AN ACT to incorporate the Pocahontas and Gainesville Male and Female Colleges.

SECTION

1. Certain named persons incorporated by the name of the "Pocahontas Male and Female College," and corporate powers specified.
2. To be located in or near Pocahontas, and further powers specified.
3. The corporation may open subscription for stock, and may sell scholarships to endow said college.
4. May appoint a President and other officers, fill vacancies, and prescribe course of studies and discipline.
5. May establish departments, confer degrees and award diplomas.
6. No religious test allowed of students.
7. This act to be in force ninety-nine

SECTION

- years, subject to renewal.
8. No misnomer to defeat any gift or bequest.
9. The corporation to meet and their powers.
10. The provisions of sec. 74, chap. 154, of the Digest, to apply to said corporation.
11. Certain named persons incorporated as the trustees of "The Gainesville Male and Female College," to be located in or near Gainesville, and provisions of foregoing sections to apply to them.
12. This act to take effect and be in force from its passage, and conflicting laws repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That R. A. Oaks, E. Little Urmston, W. R. Cain, J. B. Kelsey, John P. Black, B. F. Payne, J. F. Harrison, W. R. Hunter, L. Hanauer, D. D. Douthit and William Evans, and their successors, be, and they are hereby created a body politic and corporate, under the name and style of "The Pocahontas Male and Female College," and henceforth shall be known by that name, and by that name and style shall remain and have power to appoint their successors; to sue and be sued; plead and be impleaded in any court of law or equity in this State; to have a common seal and the same to alter at pleasure; to make and alter, from time to time, such by-laws, rules and regulations as they may deem necessary for the government of said institution, its officers and servants; *Provided*, such by-laws, rules and regulations shall not be inconsistent with the constitution of this State or of the United States.

SEC. 2. Said institution shall be located in or near Pocahontas, in Randolph county, in this State; and said Pocahontas

Male and Female College shall be competent, in law and equity, to take, hold and enjoy, in its said corporate name, real, personal and mixed property, by gift, grant, bargain and sale, conveyance, will, devise or bequest of any person or persons whomsoever, and the same estate, whether real, personal or mixed, to grant, bargain, sell, convey, let, place out at interest or otherwise dispose of the same, for the sole use of and benefit of said institution, in such manner as to them shall seem most beneficial to said institution; said corporation shall, according to its best judgment, apply the funds that may come into its hands, in erecting suitable buildings, supporting necessary officers, professors, instructors and servants, and procuring and furnishing books, maps, charts, globes and philosophical, chemical and other apparatus, and such other furniture and appliances as may be necessary to the complete success of said institution; and if no eligible site for said college be soon donated to said corporation, then said corporation may purchase suitable grounds for that purpose.

SEC. 3. Said corporation and their successors in office, shall have the power, whenever they may deem it expedient, to open books for the subscription of stock in said college, and upon the payment thereof, to issue certificates of stock to any person or persons entitled thereto, which shall be assignable, and may be made convertible into scholarships and payable in tuition in said college, on such terms as said corporators may determine, and said corporators shall have the right and power to endow said college by sale of scholarships therein, or otherwise adopt and use any legitimate means to found and establish said college on a firm, substantial and permanent basis.

SEC. 4. Said corporation shall have power to employ and appoint, for said institution, a president or principal, secretary, treasurer, and all such professors, officers, teachers and servants as may be necessary, and to displace or remove such, or any of them, as in their judgment the interest of the institution may require; to fill vacancies that may happen by death, resignation, removal or otherwise, among said officers and servants, and to prescribe and direct the course of studies to be pursued

in said institution, and, together with the faculty, may prescribe the discipline and the manner of enforcing it in said institution.

SEC. 5. Said corporation shall have power to establish departments for the study of any or all of the learned arts, sciences and belle letters, and to constitute and confer such degrees therein as are usually conferred by the most learned colleges and universities, and to that end said corporation shall have power to institute a board of competent persons, always including the faculty, who shall examine all applicants for academical degrees, and if said applicants are found to possess such knowledge of the studies pursued in said institution as in the judgment of said board renders them worthy, they may be considered as graduates in course, and shall be entitled to a diploma accordingly, on payment of such fee as the corporation may affix, and said examining board shall not exceed seven in number, any four of whom, with one of the faculty, may transact business.

SEC. 6. No particular religious faith shall be required of those who may become students in said institution.

SEC. 7. This act shall be and remain in full force and virtue for ninety-nine years, subject to renewal by the legislature.

SEC. 8. No misnomer shall annul or defeat any gift, grant devise or bequest to said corporation.

SEC. 9. Said corporators shall meet from time to time, any five of whom may transact business, and elect a president, secretary and treasurer of said board, who shall continue in office for twelve months, and until their successors are elected and qualified, and shall keep a true record of all their proceedings, subject to public inspection, and perusal at all times, and the treasurer shall give bond in such sum and with such security as the board may require, conditioned for the faithful performance of all his duties.

SEC. 10. The provisions of section 74, of chapter 154, of the Digest, be, and the same is hereby applied to this corporation.

SEC. 11. *Be it further enacted*, That L. C. Province, T. H. Wyse, W. Wall, H. W. Glasscock, J. B. Williamson, R. C.

Mack, G. D. Byers, W. R. Shackelford, L. L. Mack and J. F. Davies, junior, and their successors, are hereby incorporated as the trustees of the Gainesville Male and Female College, to be located and constructed in or near the town of Gainesville, in Greene county, Arkansas, and that the provisions of the foregoing sections shall apply to them as fully and effectually, to all intents and purposes, as if they were incorporated by a definite and special act.

SEC. 12. This act shall be deemed a public act, and shall take effect and be in force from and after its passage, and all laws or parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

APPROVED, December 17th, 1860.

No. 28.

AN ACT to pay the judges of the probate and county courts of the counties of Conway, Lafayette and Yell, and change the time of holding such court in Lafayette.

SECTION

1. Presiding judges of the county and probate courts allowed not less than \$300—and not more than \$500.
2. County judge of Lafayette county to hold county courts on the first Mondays, and probate courts on the sec-

SECTION

- ond Mondays of January, April, July and October, and to continue to do so as long as the business shall require it.
3. This act to take effect from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That the presiding judges of the probate and county courts of Conway, Lafayette and Yell counties, be allowed not less than three hundred nor more than five hundred dollars per annum, at the discretion of the county court,*

to be paid quarterly, out of said county treasury, as a full compensation for his services.

SEC. 2. *Be it further enacted*, That the said judges of probate, of Lafayette county, be required to hold the county courts of said county on the first Mondays, and the probate courts on the second Mondays of January, April, July and October, and continue so long as the business of the court shall require.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, December 17, 1860.

No. 29.

AN ACT to provide for the election of a tax assessor in Sevier county.

SECTION

1. Section 7 of chapter 148, repealed as far as Sevier county is concerned.
2. County court to appoint an assessor.
3. A county assessor shall be elected by the qualified voters on the first Monday of August, 1862.

SECTION

4. County assessor to give bond, and shall receive two and a half per centum on amount of taxes levied.
- 5 Act to be in force from its passage

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the seventh section of chapter one hundred and forty-eight, of Gould's Digest, be, and the same is hereby repealed, so far as the county of Sevier is concerned.

SEC. 2. *Be it further enacted*, That the county court of Sevier county shall meet in the court house of said county, on the first Monday of January, 1861, and appoint some competent person as an assessor for said county, who shall hold his office until his successor shall be elected and qualified, as hereinafter provided.

SEC. 3. *Be it further enacted*, That the qualified voters of Sevier county shall elect an assessor of taxes for said county, on the first Monday in August, 1862, and every two years thereafter, who shall be the assessor of taxes for said county, and shall hold his office until the next general election, and until his successor is elected and qualified.

SEC. 4. *Be it further enacted*, That said assessor shall give bond and be governed by the laws now in force, governing and regulating the assessment of taxes in this state, and shall receive as a full compensation for his services two and one half per centum on the amount of taxes levied.

SEC. 5. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, December 17th, 1860.

No. 30.

AN ACT to incorporate the *Batesville Mutual Insurance Company*.

SECTION

1. Insurance company — capital one hundred thousand dollars. Shares fifty dollars each.
2. Names of commissioners, duties, etc.
3. When commissioners must elect directors. Five to be elected.
4. If capital stock not taken in thirty days books to be opened again.
5. When corporation is organized
6. Rights and powers of the corporation.
7. When corporation shall begin to insure.
8. Business under control of directors.
9. Who shall be directors.
10. Each share entitles the owner to one vote.

SECTION

11. Time for electing directors.
12. Directors fill vacancies.
13. A quorum.
14. Stockholders to elect a president.
15. Board of directors to fill vacancies.
16. Said board to appoint subordinate officers.
17. Board to elect treasurer.
18. Policy of insurance—how signed.
19. Semi-annual statements of the business of the company required.
20. Stock assignable.
21. Private property—how far responsible.
22. Stock—how forfeited.
23. Board may sell such stock.

SECTION

- 24. Purchaser of stock succeeds to all the rights of the original holder.
- 25. Original holder responsible for difference between purchase money and balance due.

SECTION

- 26. Directors may require new security.
- 27. Cannot issue bills of credit.
- 28. Property of company taxable by the state.
- 29. When act takes effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That an insurance company shall be established in the town of Batesville, in this state, with a capital of one hundred thousand dollars, with authority to increase the same to three hundred thousand dollars, to be divided into shares of fifty dollars each, which corporation shall have succession for ninety-nine years, by the name of the Batesville Mutual Insurance Company.

SEC. 2. Thomas Cox, Aaron Hirsch, William L. Pittillo, W. E. Gibbs, George W. Daugherty, O. L. Dodd and W. A. Bevens are hereby appointed commissioners, (any two of whom may act) and are authorized to open books of subscription, at Batesville, and at any other places which they may select, for the said capital, on the first Monday in March next, or at any subsequent time, and to keep them open for thirty successive days, or until said capital shall be taken.

SEC. 3. Whenever said capital shall be taken, the stockholders shall meet on a day to be fixed by said commissioners, or a majority of them, and they shall elect five directors, who shall hold their office for two years and until their successors shall be elected and qualified.

SEC. 4. If all of said stock shall not be taken within said thirty days, the books of subscription may be again opened by said commissioners, by giving notice thereof in some newspaper published in Batesville, and in the same way the capital stock may be increased, by order of the board of directors, in which case they shall appoint commissioners to receive subscriptions.

SEC. 5. Said corporation shall be deemed to be organized whenever said directors shall be elected.

SEC. 6. Said corporation shall have the right to hold, retain

and acquire either real or personal estate, and to sell and convey the same; to take risks on lives, or on property, both fire and marine, and to do a general insurance business; to establish agencies for the transaction of its business, to make by-laws and all needful regulations for its government, to sue and to be sued, to obtain and use a common seal, and to renew and change the same; to deal in bullion, bills of exchange, choses in action, bonds, stocks and mortgages, to borrow and to loan money, and to do and perform all things which a natural person could in the premises, and to carry into effect the general powers herein granted, and incident to corporations created for the insurance business.

SEC. 7. Said corporation shall not take any risks of insurance until ten per cent. of its capital stock shall have been paid.

SEC. 8. The property and business of said corporation shall be under the control of said directors.

SEC. 9. That no person shall hold the office of directors of said corporation unless he shall be the owner of two or more shares of capital stock thereof.

SEC. 10. In the election of said directors each stockholder shall have one vote for every share of stock owned by him at the time of said election.

SEC. 11. The time for holding the regular elections for said directors shall be fixed by a resolution of the board of directors; and if at any time said regular election should not be held, the said directors may call an election, giving ten days' notice of the time, place, and object of such election, by an advertisement, published in some newspaper printed in Batesville.

SEC. 12. Said directors shall have power to fill any vacancy in their number.

SEC. 13. A majority of said directors shall be a quorum, and have authority to transact business.

SEC. 14. The stockholders of said corporation, at the time of electing said directors, shall also elect a president, who shall preside over the deliberations of the board of directors, and give a casting vote in case of a tie, and who shall hold his office

for the length of time herein prescribed, as the term of office of said directors.

SEC. 15. The board of directors shall have power to fill any vacancy which may occur in the office of president; and also, to appoint one of their number president *pro tempore*, in case of the absence of said president.

SEC. 16. Said board shall have power to appoint clerks, agents, a secretary, and all subordinate officers, to fix their salaries, to prescribe their duties, and to regulate the tenure and terms of their offices.

SEC. 17. Said board shall also appoint a treasurer, who shall hold his office during the pleasure of the board, and shall give such official bond as may be required of him by said board.

SEC. 18. Policies of insurance, signed by the president and countersigned by the secretary, and sealed in blank and filed by the regularly appointed or recognized agents of the corporation, shall be binding on the corporation, unless obtained by fraud, or invalid otherwise by law.

SEC. 19. On the first Monday in January and July, each year, semi-annual statements shall be made of the accounts of the corporation, and such dividends may be paid as the board of directors shall deem proper; but in no case shall the capital be reduced to less than one hundred thousand dollars.

SEC. 20. Any stockholder in said corporation may assign and transfer his stock therein.

SEC. 21. The individual property of each stockholder shall be responsible for the debts of the corporation, to the extent of his unpaid stock.

SEC. 22. If any stockholder shall fail to pay any installment of his stock subscription in the manner and at the time prescribed by said board, the board may declare his stock forfeited.

SEC. 23. In such case the board may proceed to give ten days' notice, in some paper published in Batesville, and sell such forfeited stock to the highest bidder for cash.

SEC. 24. The purchaser, at such sale, upon the payment of his purchase money, shall be subrogated to all the rights of the

original stockholder in the corporation, to the extent of the stock bought by him.

SEC. 25. If the amount of such purchase money be less than the amount of the unpaid balance due on said stock, the difference between such purchase money and such balance may be collected by suit, or otherwise, from said original stockholder.

SEC. 26. The board of directors shall have power to require of any stockholder, at any time, that he shall give additional security for the payment of his stock subscriptions, and if he then fail to do so, the said board may declare his stock forfeited, and may sell the same, and proceed against him as provided in sections twenty-two, twenty-three, twenty-four and twenty-five of this act.

SEC. 27. Said corporation shall not issue any kind of certificates of deposit, bills of credit, or notes of hand, designed to pass as currency.

SEC. 28. Nothing in this act shall be so construed as to exempt the property, money, or other effects, belonging to said company from taxation, under the laws of this state.

SEC. 29. This act shall be in force and take effect from and after its passage.

APPROVED, December 20th, 1860.

No. 31.

AN ACT *for the relief of Calvin M. Hervey, of Hempstead county.*

SECTION

1. Title to the lands mentioned in the preamble, vested absolutely in Calvin M. Hervey and his heirs and assigns.
2. Title acquired by this act declared

SECTION

- to have the force and effect of a deed.
3. This act to take effect and be in force from its passage.

WHEREAS, William E. Powell in the month of January, eighteen hundred and forty-eight, purchased from the State of Arkansas the following parcels of land, viz: The east half of the south-east quarter of section two (2), the east half of the north-east quarter of section eleven (11) and the west half of the north-west quarter of section twelve (12), all in township fifteen (15), south of range nineteen (19) west, containing two hundred and forty acres (240), situate in the county of Ouachita, in the said state, as a portion of the five hundred thousand acres of land donated to the State of Arkansas, by an act of Congress, approved the fourth day of September, eighteen hundred and forty-one, a certificate of which purchase was issued to said Powell by the proper officer, under and by virtue of a law passed by the legislature of said state, the twentieth day of December, eighteen hundred and forty-four, to regulate the sale of such five hundred thousand acre donation, and by said certificate it was stipulated for and on behalf of the state that she would execute a good and valid deed for said land, to said Powell, when he should pay the purchase money therefor, which he bound himself to do in a bond, payable in five equal annual installments from the date thereof; *And whereas*, Said Powell, for a full and valuable consideration, assigned said certificate to Calvin M. Hervey, and substituted in his place, in all respects, said Hervey, to receive the deed for said land, when he, said Hervey, should pay the purchase money for the same, as agreed upon by said Powell, under and in pursuance of the law aforesaid; *And whereas*, Such assigned certificate was lost in its transportation through the mail to said Hervey, before the same reached him, without any neglect or fault on his part, but said Hervey has fully paid the purchase money due thereon to the state, as said Powell had agreed to do, and has taken from the proper agent and attorney of the state receipts therefor; *And whereas*, Said Powell has lately departed this life, leaving a widow and several heirs at law, residing in the county of Ashley, and State of Arkansas, against whom said Hervey heretofore filed his bill in chancery in the circuit court of said Ashley county, setting up the facts aforesaid, and pray-

ing divestiture of title in and to said land out of them, and a vesting thereof, so far as they were concerned, in business, and in which suit, after issue properly made up, and proof taken, at a hearing thereof, said court, on the twenty-second day of March, eighteen hundred and sixty, from the facts as alleged in said bill, and also entered in due form of law, its decree, as prayed for by said Hervey; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the title of the State of Arkansas in and to said lands be, and the same is hereby, declared divested out of the State of Arkansas, and vested absolutely in said Calvin M. Hervey, his heirs and assigns.

SEC. 2. *Be it further enacted*, That the title acquired by said Hervey in and to said land, under this act, be, and the same is, hereby declared to have the same force and effect, in law and equity, as if the same had been conveyed by deed in due form, on presentation of said certificate assigned to him, to the proper officer of the state, after he had paid the purchase money due on said land.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, December 20th, 1860.

No. 32.

AN ACT to incorporate the Sisters of Mercy of the Female Academies of Helena, Little Rock and Fort Smith.

SECTION

1. The "Sisters of Mercy of the Female Academies of Helena, Little Rock and Fort Smith," constituted

SECTION

bodies corporate and politic, with succession for ninety-nine years, under respective corporate names;

SECTION

power to make contracts, sue and be sued, and have a common seal; to make by-laws, rules and regulations; to promote education; to select officers; to have, hold and enjoy property purchased or donated.

SECTION

2. No misnomer to affect any gift or grant.
3. Ten acres of ground to each academy exempted from taxation.
4. This act to be construed as three separate charters. This act to be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the Sisters of Mercy of the female academies of Helena, Little Rock and Fort Smith, and their successors respectively, are hereby constituted bodies corporate and politic, with succession, each, for ninety-nine years, under the respective corporate names and styles of "The Sisters of Mercy of the Female Academy of Helena;" "The Sisters of Mercy of the Female Academy of Little Rock;" and "The Sisters of Mercy of the Female Academy of Fort Smith;" and by those names applicable to each corporate body as if contained in separate acts; shall have the power to make contracts, and to sue and be sued, and shall have a common seal; and each corporation respectively shall have full power to form such constitution and by-laws, or such rules and regulations, as may be necessary and needful for the government of each of said academies respectively; and to promote proper discipline, and education and learning therein; and to provide for the selection of superiors or directors, or other officers therein, at any time; also power to use and preserve their property, real, personal and mixed, and to have, hold and enjoy the same, which may be at any time given, donated, granted, sold or bequeathed to the said sisters, or said academies, respectively, for the use thereof; and to sell, mortgage or pledge the same, for the benefit of the said academies, or for the use thereof, respectively; and finally to do and perform all other things that may be proper to be done for the advancement of learning, and the interest and objects of the said corporations respectively; but nothing shall be allowed contrary to the constitution and laws of this state.

SEC. 2. No misnomer shall defeat or annul any grant, gift,

devise or bequest thereto, or contract therewith, whenever the real intent sufficiently appears.

SEC. 3. Ten acres of ground, to each academy or corporation, with the buildings, and property thereon, books, apparatus, and whatever else may be used in carrying on said academies, respectively, shall be exempt from all taxation, state, county, municipal and special, during the existence of this charter.

SEC. 4. This act shall be construed as if it were three separate charters for said corporations, and shall be judicially noticed without pleading; and shall be in force from its passage.

APPROVED, December 20th, 1860.

No. 33.

AN ACT to remove the Swamp Land Office from the town of Batesville to the city of Jacksonport.

SECTION

1. Land office removed from Batesville to Jacksonport.
2. Agent required to move all the books, etc., to Jacksonport.

SECTION

3. All laws conflicting with this act repealed.
4. Take effect 1st of Feb., 1861.

WHEREAS, The swamp land office in the Batesville district for the State of Arkansas, is now situated and located on the extreme western boundary of said district, and not accessible throughout the year, and further that all or nearly all the swamp and overflowed lands in said district, lie east of the location of said swamp land office, in the town of Batesville, and great inconveniences and expense in traveling and getting to the now present swamp land office; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State*

of Arkansas, That the said swamp land office now located in the town of Batesville, be, and the same is hereby removed to the city of Jacksonport, in the county of Jackson.

SEC. 2. *Be it further enacted*, That the swamp land agent in and for the said district, be, and he is hereby required to move all the books, plats and papers, and all things pertaining to said swamp land office, to the city of Jacksonport, in the county of Jackson, on or before the first day of February, A. D., eighteen hundred and sixty-one.

SEC. 3. *Be it further enacted*, That all laws or parts of laws in conflict with the foregoing act, be, and the same are hereby repealed.

SEC. 4. *Be it further enacted*, That this act take effect and be in force from and after the first day of February, A. D., eighteen hundred and sixty-one.

APPROVED, December 20th, 1860.

No. 34.

AN ACT to incorporate the Des Arc and Dardanelle Railroad Company.

SECTION

1. Names of individuals who compose the corporation.
2. Objects of the corporation.
3. Powers, rights and immunities of the corporation.
4. Capital stock, one million, seven hundred and fifty thousand dollars; seventy thousand shares, twenty-five dollars each.
5. The State of Arkansas, or counties in the State, may become stockholders.

SECTION

6. When said corporation shall go into operation.
7. Business of the corporation to be transacted at Des Arc; the board of directors to number seventeen; seven a quorum; votes by proxy allowed; duties and responsibilities of the president.
8. When board of directors shall be elected; place of election, etc.
9. First election under the superinten-

SECTION

- dence of three commissioners; other provisions for election.
10. Election of directors annual; one board holds office till next one elected.
 11. Commissioners to receive stock.
 12. Powers of said commissioners.
 13. The directors to elect president and vice-president; duties of president and vice-president; subscription lists to be opened again after election of a board of trustees.
 14. Persons named in sec. 1, are directors till new ones are elected; their powers and duties.
 15. Installments from maturity are charged with ten per cent. interest if not paid when due; how stock may be forfeited and sold; stockholders in default not allowed to vote.
 16. Meetings of stockholders to be composed of persons representing more than one-half the stock subscribed; representation of three-fourths of the stock required to increase or diminish the capital stock.
 17. President and directors have power to carry out all the details of the road; to build depots, make contracts, pay out or borrow money, etc.; to keep books open to inspection of any stockholder, call meetings of stockholders, etc.

SECTION

18. Directors to fill vacancies.
19. Limitation of amount directors may contract for, explained.
20. Annual meeting of stockholders to be held on last Monday in December in each year.
21. Proviso to transfer of stock.
22. Subscriber, if taxed, may reduce his shares.
23. Board of directors authorized to form junction with any other road.
24. No subscriber responsible beyond his own stock for debts of the company.
25. How notice may be served on non-residents.
26. Company forbidden to restrict free navigation of any stream said road may cross.
27. The president and directors to fix salaries of all the officers; no director compensated.
28. Subscriptions payable in work at discretion of president and directors; no director or agent shall be a contractor.
29. Three commissioners to be appointed at the expiration of charter to liquidate its business.
30. Charter for ninety-nine years.
31. Act in force after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That John H. Quisenberry, John C. Morrill, J. E. Gatewood, John Jackson, William B. Crocker, John S. Pearson, John S. Williams, Russ Evans, Sim Horne, A. O. Edwards, A. J. Thomas, B. C. Totton, John C. Davie, D. Harshaw, J. M. Venable, R. W. Harper, Anderson Gordon, G. W. Lemoyne and J. I. Stirman, shall compose said corporation, with such other persons, corporations, states, counties and cities as may subscribe to stock in said company, and comply with the provisions contained in this act; and also, with the by-laws, rules

and regulations of said company and the general law of the land respecting the same.

SEC. 2. The said corporation is established for the purpose of constructing, working and maintaining a railroad from Des Arc to intersect with the Little Rock and Fort Smith railroad at the most practical point at or near Dardanelle in this State.

SEC. 3. The corporation hereby created by its corporate name and style aforesaid, shall have succession for ninety-nine years, and be empowered and entitled to sue and be sued, plead and be impleaded, grant and take by grant, contract or release, purchase and hold land and chattels, and have a common seal, with power of alteration, and all other such ordinary and necessary powers, liberties, franchises, privileges and incidents of bodies corporate and politic, as under this act and the general law of the land, it may legally take, obtain, hold, possess and enjoy.

SEC. 4. The capital stock of this company is fixed at one million, seven hundred and fifty thousand dollars, divided into seventy thousand shares of twenty-five dollars each. A payment of five per centum on each share shall be made when the sum of one hundred thousand dollars shall have been subscribed: the subsequent payments shall be made in sums and at such periods as shall be fixed by the board of directors; *Provided*, That the call shall not be made for more than ten per centum at any one time; and that sixty days' notice of each call shall be given by publication in one newspaper published in Des Arc, and one in Dardanelle, and one in Fort Smith, and in case no paper is published at either one, or any one of the above named places, then publication to be made in any paper published in any of the counties through which said road shall pass, and, also, in some paper published in the city of Little Rock; and not more than three calls shall be made in any one year.

SEC. 5. The State of Arkansas and the several counties on the line of this road, or elsewhere in this State, may become stockholders in said company by subscribing for stock therein; and in case any or either of them do so, they shall be represented in the directory in the manner hereinafter provided.

SEC. 6. The said corporation shall go into operation and be organised as soon as shares of stock to the amount of one hundred thousand dollars shall have been subscribed.

SEC. 7. The business of the corporation shall be conducted at its domicil in the city of Des Arc, in Prairie county, in this State, by a board composed of nineteen directors, who shall be stockholders; a quorum shall consist of at least seven directors; at all elections by the stockholders and at all their meetings, each share shall be entitled to one vote, with the exception as to the election for directors of the State, as hereinafter mentioned; voters may vote in person or by proxy; counties becoming stockholders shall vote by such person or officer as shall be designated by the county court, by order upon its record; the State shall vote by such person or officer as shall be designated by the Governor or by law, if any law on the subject be enacted; other votes may be given in person or by proxy, but no person shall vote more than fifteen hundred votes by proxy; and, after the first year, all shares of stock must be owned or possessed by the voter, in his own right, or by his principal, three months before they are voted on; the president of the company is the officer designated as the one on whom legal service of all process or citation, writs or notices against or to the company may be made, and the company agrees to be bound by such service, whether made on the president in person, or left in writing, to his address, at the office of the company, in the hands of any of its officers.

SEC. 8. The first board of directors shall be chosen as soon as the first lists of subscription shall be closed. The election for the first board shall be held in the city of Des Arc, at such time and place as shall be designated by the commissioners charged with receiving subscriptions as hereinafter named. Notice of such election shall be given by twenty days' publication in such newspapers in this State as the commissioners may select. In case the State shall not, at the time of such election, have subscribed for any stock, nineteen directors shall be elected; but, if she shall have then subscribed for stock, or shall afterwards do so, she shall then be entitled to one director, if she

subscribe one hundred thousand dollars; to two, if she subscribe two hundred thousand dollars, and so on, giving her one director for every one hundred thousand dollars subscribed, to be selected and appointed by the governor for the time being, so as to commence their terms of service at the same time with the other directors elected by the stockholders at the first regular election after such stock is taken by the state, and whenever stock shall be subscribed by the state, and directors appointed or selected by her proper officer, or in such way, as by law she may provide, prior to any general election, the stockholders shall, thereafter, elect only so many directors as will make with those appointed or selected by the state, the number of nineteen. The state shall have no vote in the election of such other directors, but, in all other votes and at all meetings of the stockholders, she shall have one vote for every share of stock subscribed by her, to be cast in such manner, and by such officer or officers, person or persons, as she shall, by law direct.

SEC. 9. The first election shall be held under the superintendence of three of the commissioners to receive stock at Des Arc, and all subsequent elections under the superintendence of three commissioners to be appointed from among the stockholders by the board of directors for the time being. The first board of directors shall hold their office until the first day of January, eighteen hundred and sixty-three, unless, before that time, the state shall subscribe for stock, in which case she may appoint the number of directors to which she may be entitled, and thereupon the same number of directors, previously elected, shall cease to be directors; first, the one who received the lowest number of votes, then the next and so upward; and, if it shall occur that two directors, or more, shall have received the same number of votes, one or more of whom must go out, the matter shall be decided by lot, and the directors, so appointed by the state, with the residue of those elected, shall constitute the board for the residue of the term; *Provided*, That in no event shall the president be displaced, or cease to be president by the incoming of such appointed directors, no matter what was his vote for director.

SEC. 10. The election for directors shall be annual and each board, subsequent to the first, shall be elected on the second Monday in December. A failure to elect or appoint directors shall not dissolve the corporation, but the board in office shall continue the exercise of its functions until a new board can be elected, or elected and appointed. All notices of elections and of meetings of stockholders, after the first election above provided for, shall be given by publication, at least fifteen days in advance, in such newspapers in the counties through which said road passes, as may be selected by the president of said company; and all elections, including the first, shall be held at the domicile of the company, at such place there and between such hours as shall be fixed by the authority ordering such notice.

SEC. 11. The following persons are hereby appointed commissioners for the purpose of receiving subscriptions to the stock of said corporation, viz: From the city of Des Arc, in Prairie county, J. H. Quisenberry, J. C. Morrill, W. B. Crocker, and H. P. Vaughan; from Hickory Plains, in Prairie county, S. D. Harshaw, A. J. Thomas, and W. S. Moore; from Atlanta, in Prairie county, J. C. Skillern, T. J. Paine, and W. C. Robinson; from the town of Springfield, and county of Conway, S. S. Ford, R. S. Cargile, J. Harding, J. M. Venable, and R. W. Harper; from Dardanelle and the county of Yell, G. W. Lemoyne, Jno. I. Stirman, and Jno. H. Jones; from Fort Smith, Sol. F. Clark, and A. J. Mayers.

SEC. 12. The said commissioners shall have power to appoint deputies, or agents, in other places, for the purpose of raising subscriptions, and they are authorized to open the books of said company for subscriptions to stock, without giving further public notice of the same. All subscriptions shall be returned to the domicile at Des Arc, and the commissioners at Des Arc shall have the same recorded in the recorder's office of the county of Prairie and otherwise disposed of as may be required by law.

SEC. 13. The directors shall elect one of their body as president, and another as vice president of the company, at their first meeting after the election, and each subsequent board shall elect one of themselves as president, and one as vice president,

at the first meeting held by said board. The president shall vote only when there is a tie in elections and when the ayes and noes are called; the vice president shall not vote while acting as president. Immediately after the election of the first board of directors subscription lists shall again be opened for the term of four months in the State of Arkansas and elsewhere, as the board of directors may deem advisable; and public notice thereof shall be given in a newspaper, if there be any, at each place where subscription books are opened, and the same commissioners may act, or the board may appoint agents for receiving the subscriptions. At the end of said four months, if the amount of subscriptions shall exceed the capital required, a meeting of the stockholders and subscribers shall be held to determine whether the capital shall be increased to the whole amount of subscription, which if they do determine, may be done; but if the capital be not increased then the number of shares of stock subscribed, after the election of the first directory, except those taken by the state or counties, shall be reduced by deductions from the largest subscriptions, so as not to diminish the number of shares of any subscriber, whilst another, (except said subscribers prior to the election of directors, and except the state and counties,) remains with a large number of shares. If there still be a deficiency in the amount of capital subscribed, the said subscription books may be re-opened and closed, from time to time, until the whole capital shall have been subscribed. It shall be the duty of the vice president to perform the duties of the president in case of the absence, or other inability of the president to act as such, and he shall receive no compensation, except while he is acting as president; *Provided*, That the president shall not, at the same time, receive any compensation.

SEC. 14. Until the first board of directory is organized, the persons above specially named in section one shall, for all purposes of organization, and other preliminary purposes, constitute a board of directors, with authority to procure, at the cost of the company, a preliminary examination, reconnaissance and survey of the route between Des Arc and the most practicable connection, at or near Dardanelle, with the Little Rock and Fort Smith railroad, And it shall be their special duty to pro-

cure from persons on the whole line of the road relinquishments to the company of the right of way; to which end the company binds itself to pay for all incidental expenses of reconnoissance, printing and advertising incurred by them; and authority is hereby given them to employ and pay all necessary agents to obtain such relinquishments and to do anything necessary to the organization of the company.

SEC. 15. In the case of failure on the part of any subscriber to pay any installment on his stock, when and as required, the amount due shall bear interest at the rate of ten per centum per annum from the time it falls due. The board of directors shall have the power, after thirty days' written notice to the defaulter, to forfeit his stock and sell it at auction for the benefit and at the risk of said stockholder and to sue him for any deficit afterwards remaining; or to compel, by suit, the payment of such installment; and no stockholder shall be permitted to vote personally, or by proxy, for himself or as proxy for another, while in default.

SEC. 16. All meetings of stockholders shall be composed of persons or corporations, or the agents of corporations or persons holding, in the aggregate, more than one-half of the stock of the company taken and subscribed for, in order to make valid and binding their action in the premises, except meetings called for the purpose of increasing or diminishing the capital stock of the company, at which three-fourths of the stock shall be represented. At elections, more than one-half of the stock, exclusive of that taken by the state, shall be represented. When it is required that more than one-half of the stock shall be represented, and such is not the case, the meeting shall be adjourned for one week, and at such adjourned meeting the majority of the stock present and represented shall bind the company in the same manner as if a majority of the whole stock had been present and represented.

SEC. 17. The president and directors of said corporation shall have power to do anything necessary for the construction, repair, and maintainance of the railroad hereinbefore mentioned, with as many tracks as they may deem necessary; to fix and determine the line of the road, and the depots that may

be necessary; to make and construct, or procure to be made and constructed, any erections whatever for the perfect and complete working of said road; to construct all bridges over navigable and other rivers, streams and sloughs; to decide whether the crossing thereof shall be by bridges or steam ferry; to prescribe the length and width of said bridges, and the size of the proper draws for the passage of vessels, when over navigable streams; to contract specially for work, labor or materials, to be furnished to the company, and agree whether the whole, or any part thereof, shall be payable in capital stock of said company; to hire and purchase hands and laborers; to appoint a secretary, treasurer, superintendent, engineers, solicitor, and other officers or servants necessary or proper for the faithful performance of any duty necessary to the construction and maintainance of said railroad; to receive from the state or general government, a grant of lands, or become the agent of either to dispose of lands granted, and with the same, or the aid of the same, procure the road to be built; to make all contracts necessary thereto, and all cotntracts for the furnishing of iron or other necessary equipment or supplies of the road, on such terms and credit as they may think proper, including all locomotives, engines, cars, vehicles, teams and other equipments deemed by them necessary for the purposes of the company; to borrow money for and on account of said road, in any sums not to exceed fifty thousand dollars, unless authorized by a vote of two-thirds of the stockholders, exclusive of the state, to exceed that sum, and to mortgage said road and its appurtenances to secure the same; to mortgage said road, or hypothecate its receipts, to pay persons who take contracts for building the same; when said road, or any part thereof, is finished, to fix the rate of toll for passengers and merchandize; to fix a telegraph line ~~on~~ wire along said road, and regulate the fees for messages sent; to make all by-laws, rules and regulations deemed necessary or convenient for the proper, safe and regular transaction of business of the company, such rules, by-laws and regulations being subject to repeal, change, amendment or modification, by the stockholders at their regular meetings, or

by said president and directors in the intervals; to accept donations in land, money, or such materials or labor as may be useful to the company; to accept relinquishments of the right of way, or purchase releases of the same, and to that end to submit questions of compensation to the proper tribunal, or to arbitration, or to settle the same themselves by way of compromise, or delegate the power to do so; to declare, semi-annually, the dividends arising from the working of the road, or any section or sections of it, after payment of all necessary expenses, which dividend shall be declared and payable within the last fifteen days of the months of May and November in each year. They shall make a report, in full detail to the stockholders upon the first Mondays in June and December of each year, of the working of the road, and its expenses and profits, as also, in detail, a statement of all contracts during the process of the construction of said road and its bridges, with an account of the progress made; they shall cause to be kept a regular set of books, in which shall be entered, in the regular order of their several dates, all business or other transactions of the company, which books shall always be open to the inspection of any stockholder, at the office of the company, during the business hours of the day; they shall keep a stock-book, and certificates of stock shall be issued to the stockholders, and no transfer of stock shall be binding on the company until made on its stock-books; and they shall call a meeting of the stockholders on the written requisition of stockholders representing one-fifth of the stock of the company, or on the requisition of the proper authority representing the state, if she becomes a stockholder.

SEC. 18. Any vacancy in the board of directory occurring during the year, may be filled by a vote of such of the directors as hold their offices by election.

SEC. 19. The limitation as to the amount which the board of directors may borrow, shall not apply to contracts upon credit, for the furnishing of iron, equipments, other necessary supplies or labor, or to a contract for the construction of the whole road, or a section thereof.

SEC. 20. A stated annual meeting of the stockholders shall be held on the last Monday in December in each year, to receive the report of the last year's operations and business, and for examination into the condition of the company's affairs, before which meeting the annual statement shall be laid.

SEC. 21. No transfer of stock shall exempt the transferer from the obligation of paying the installments afterwards called for, until the whole fifty per centum on each of his shares shall have been paid.

SEC. 22. If any subscriber shall be taxed by virtue of any law, or ordinance, for the payment of subscription to the company, he shall have the right of reducing the number of his shares, by any amount equal to that of the tax imposed, but this right must be exercised within thirty days from the time of the payment of such tax, after which time it shall not be allowed.

SEC. 23. The board of directors shall have the power of making such arrangements as they may deem proper in forming a connection, or junction, with the Little Rock and Fort Smith railroad, or any other road that may be hereafter built, or proposed to be built, and also, for the connection, with said road, of a road towards the Pacific ocean, or elsewhere, and they shall also have power to make such arrangements, or contracts, with the national government, or individuals, or corporations, as may be deemed necessary and beneficial for said road; *Provided*, That the powers granted in this section shall only be exercised when the exercise thereof is authorized by a vote of a majority of stockholders, to be assembled, on notice, at Des Arc.

SEC. 24. No stockholder of this company shall be liable or responsible in any event, for the losses of the company to a greater amount or extent, than the amount of the stock subscribed for and taken by him.

SEC. 25. Any notice required by this act, charter, or the by-laws, to be served on stockholders, may be served on non-residents by advertisement in some newspaper along the line of

said road, or in the city of Little Rock, thirty days before the action or proceeding to be indorsed thereon.

SEC. 26. If the said road shall be anywhere built along or across any public road, or the streets or wharves of any town or city, the said company shall prepare and keep in order, good and adequate facilities for crossing the same, and in no wise obstruct the public in the use of said street, road or highway. If said road should be carried across any navigable stream, it shall be done in such manner as, in no wise, to obstruct the free navigation of said river.

SEC. 27. The president and directors may fix the salaries of the president, vice president, secretary, treasurer, and all other officers, agents and servants of said company, and take security from them, when deemed expedient; but no director shall receive any compensation for his services as director.

SEC. 28. The president and directors may, if they consider it expedient, receive subscriptions for stock, payable in work, or materials, in and for said road, to be done and finished under the superintendence of the directors of said company, or officers appointed by them, bond being taken to the company for the faithful performance of the work, or furnishing of the materials. No director, officer, servant, or agent of the company shall be an undertaker or contractor for any work on said road.

SEC. 29. At the expiration of this charter, or whenever the dissolution of corporation shall render its liquidation necessary, three commissioners shall be elected by the stockholders, whose duty it shall be to take possession of the property of the company and conduct its business to final liquidation, on such terms and in such manner as shall be determined by a meeting of the stockholders, whereat they are elected, which meeting shall be regularly convened for that purpose; and if, at the expiration of the present charter, a majority of the stockholders in number and amount, shall desire to renew the same for a further time, the stockholders dissenting shall be bound to transfer their stock to those desiring the renewal, at its fair value, to be fixed by appraisers, mutually chosen for that purpose.

SEC. 30. This charter shall continue for ninety-nine years, at

the end whereof the corporate powers hereby granted shall cease and terminate, and nothing in this act shall ever be construed as conferring banking privileges.

Sec. 31. This act shall take effect and be in force from and after its passage.

APPROVED, December 22d, 1860.

No. 35.

AN ACT to authorize the clerk of the Circuit Court of Independence county to transcribe certain records in his office.

SECTION

1. The clerk to transcribe in a well bound book, the sales of all lands made for non-payment of taxes since 1840.

SECTION

2. Clerk entitled to same fees as for similar services, and this act to take effect from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the clerk of the circuit court of Independence county, be, and he is hereby authorized and required to transcribe in a well bound book, to be kept for that purpose, the sales of all lands which have been, or may hereafter be sold for the non-payment of taxes, from and including the year 1840.

SEC. 2. *Be it further enacted*, That the clerk of said court shall receive the same fees as is usual for similar services, and that this act shall take effect and be in force from and after its passage.

APPROVED, December 22d, 1860.

No. 36.

AN ACT *for the relief of the citizens near Shady Grove Church, in Dallas county, Arkansas.*

SECTION

1. Not lawful to sell spirituous liquors in any quantities, within one mile of Shady Grove Baptist church.
2. Penalty for the violation of first sec-

SECTION

- tion of this act. Separate offence declared a violation of this act.
3. This act to take effect from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That it shall not be lawful for any person to sell, barter or exchange any vinous or ardent spirits, in any quantities, whatever, within one mile of the Shady Grove Baptist church, in Jackson township, Dallas county, Arkansas.

SEC. 2. *Be it further enacted*, That any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in any sum not less than ten, nor more than one hundred dollars and every single or separate offence is hereby declared to be a violation of this act, and shall be punished accordingly.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after the first day of January, 1461.

APPROVED, December 22d, 1860.

No. 37.

AN ACT *to amend an act to incorporate the Ouachita Conference Female College.*

SECTION

1. Location, Tulip, Dallas co., Ark.
2. No restrictions on citizens of Dallas county.

SECTION

3. Trustees subject to Ouachita Conference.
4. How much of the first act repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the Ouachita Conference Female College shall be located in or near the town of Tulip, in Dallas county, Arkansas.

SEC. 2. *Be it further enacted*, That the citizens of said county of Dallas shall not be required to raise or subscribe any amount of money to aid in the construction of said institution, as is required of the citizens of Ouachita county by the act incorporating said institution.

SEC. 3. *Be it further enacted*, That the acts and doings of the trustees of said institution shall be subject to the approval of the Ouachita annual conference, instead of the presiding bishop, as provided in said act of incorporation.

SEC. 4. *Be it further enacted*, That so much of the act approved January 7th, 1857, incorporating the Ouachita Conference Female College, as is inconsistent with this act, be, and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage.

APPROVED, December 22d, 1860.

No. 38.

AN ACT to provide for the election of a tax collector for Phillips county.

SECTION

1. Section 51 of chapter 148, Gould's Digest repealed as to Phillips co.
2. Qualified voters to elect tax collector.
3. Compensation of collector.
4. Collector to give bond.

SECTION.

5. Sheriff to give notice of election.
6. Laws in conflict with this act repealed. Act to take effect from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State*

of Arkansas; That the fifty-first section of chapter one hundred and forty-eight of Gould's Digest, be, and the same is hereby repealed, so far as the county of Phillips is concerned.

SEC. 2. *Be it further enacted*, That the qualified voters of Phillips county shall elect a tax collector for said county, on Monday 7th day of January, 1861, who shall be the tax collector for said county, and hold his office until the next general election, and until his successor is elected and qualified.

SEC. 3. *Be it further enacted*, That the tax collector shall collect the state, county, road and levee taxes for said county, and receive therefor the sum of fifteen hundred dollars per annum, to be paid out of the several funds collected in proportion to the amount thereof.

SEC. 4. *Be it further enacted*, That said collector shall give bond and be governed by the laws now in force, governing and regulating the collection for taxes in this state.

SEC. 5. *Be it further enacted*, That the sheriff of Phillips county is hereby required to give notice and open the poll books at the usual places of voting, on Monday the 7th day of January, 1861, for the election of said collector.

SEC. 6. *Be it further enacted*, That all laws in conflict with the provisions of this act, so far as Phillips county is concerned, be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

This bill having been returned by the governor, with his objections thereto, and after reconsideration, having passed both houses by the constitutional majority, it has become a law, this twenty-second day of December, Anno Domini, one thousand eight hundred and sixty.

THOS. FLETCHER, *President
of the Senate.*

BRADLEY BUNCH, *Speaker
of the House of Representatives.*

No. 39.

AN ACT to incorporate the Arkansas Institution for the Deaf and Dumb.

SECTION.

1. Institution for "Deaf and Dumb" established.
2. Certain persons named a board of directors. Vacancies how filled. No two directors to reside in same county.
3. Powers and duties of board. To purchase land and erect buildings. Two-thirds of the board may remove principal.
4. Majority a quorum to do business. General powers of the board.
5. Shall elect president and secretary. Board to continue 99 years.

SECTION.

6. State treasurer, ex-officio treasurer of institution. Expenses of institution paid out of appropriation. How drawn.
7. Annual reports made to the governor. To be laid before the General Assembly.
8. How pupils admitted to the institution. Moneys appropriated, how used.
10. Appropriations for institution.
11. To be located at, or near Fort Smith.
12. This act to take effect from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That there shall be established, under the direction and supervision of the board of directors hereinafter named, an institution for the education of deaf mutes by and under the name and title of "The Arkansas Institution for the Deaf and Dumb."

SEC. 2. *Be it further enacted*, That David Walker, of the county of Washington; Green J. Clark, of the county of Sebastian; Augustus M. Ward, of the county of Johnson; George C. Watkins, of the county of Pulaski; Oliver H. Oates, of the county of Monroe, and Alfred H. Carrigan, of the county of Hempstead, be, and they are hereby appointed directors of the institution; the three first named for four years, and three last named for two years, and the successors of each class shall be appointed and hold their office for four years. Vacancies in the board of directors may be filled by the remaining members by election, but no two members shall be a resident of the same county. The principal of the institution shall be, ex-officio, a member of the board of directors.

SEC. 3. *Be it further enacted*, That said board of directors

shall have power to make all contracts for the rent, or construction and repair of any building belonging to, or used by said institution, and for the purchase of land upon which to construct the same, to appoint and remove the principal, matron, physician, professors and such other officers as the board may deem proper for the good management of said institution, and to fix their compensation; to accept any donation or legacy for the sole and exclusive use of the institution, and to sue and be sued ;*Provided*, That a vote of two-thirds of all the members of the board shall be necessary to the removal of the principal of the institution.

SEC. 4. *Be it further enacted*, That a majority of the board shall constitute a quorum for the transaction of business, and the meetings of the board shall be held at such time and place as the interests of said institution may require, until buildings are procured for the reception of pupils, after which their meetings shall be held at the place where such buildings are situated. The said directors shall have full power and authority to make all rules and by-laws for their own government and to fix their times of meeting and manner and mode of voting. No member of said board shall be employed or appointed in or to any office or place under the authority of the board of which he is a member, nor shall any member of said board be directly or indirectly interested in any contract to be made by said board, for any purpose whatever.

SEC. 5. *Be it further enacted*, That within thirty days after the passage of this act the said board of directors or a majority of them, shall meet at the capital and organize by electing one of their number president of said board and another secretary, who shall hold their offices for the term of two years and until their successors are elected and qualified; when so organized they shall constitute a body politic under the name and style of the "Arkansas Institution for the Deaf and Dumb," and shall have succession for ninety-nine years.

SEC. 6. *Be it further enacted*, That the treasurer of the state shall be ex-officio treasurer of said institution, and all the expenses of said institution shall be paid out of the fund appro-

appropriated for the use of said institution upon warrants drawn by the auditor, who shall issue the same upon orders drawn by the principal and countersigned by one of the board of directors.

SEC. 7. *Be it further enacted*, That the accounts of said institution shall be so kept and reported as to show the kind, quantity, costs and of whom bought, of each article purchased for the use thereof, and annual reports of the principal and board of directors, showing the condition of the institution and the specific amounts of the receipts and expenditures, shall be made to the governor and be by him laid before the General Assembly at each session thereof.

SEC. 8. *Be it further enacted*, That all deaf and dumb persons in this state, of suitable age and capacity to receive instruction, whose parents are unable to defray the expenses of their board and tuition, shall be admitted into and enjoy the benefits of said institution, free of charge, for board or tuition. Pupils from other states and the Indian territory may be admitted upon such terms as the board of directors may prescribe.

SEC. 9. *Be it further enacted*, That all moneys appropriated to said institution shall be used and applied to the specific use and objects for which they were appropriated, and for no other purpose

SEC. 10. *Be it further enacted*, That to carry into effect the provisions of this act the sum of two thousand dollars for the first year, and fifteen hundred dollars for each year thereafter be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated.

SEC. 11. *Be it further enacted*, That the institution herein created and established shall be located at, or near, Fort Smith, in Sebastian county.

SEC. 12. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

APPROVED, December 28th, 1860.

No. 40.

AN ACT to incorporate the town of Austin, in the county of Prairie.

SECTION.

1. The boundaries of the town of Austin, Prairie county, defined, and the same incorporated by the name of the town of Austin.
2. A mayor, four aldermen, recorder and town constable, to be elected annually, at the first election, on first Monday of January, by the qualified voters.
3. Qualification of Mayor.
4. Mayor and aldermen a body politic. To continue for 99 years. Federal powers. To have a common seal, etc.
5. Recorder to be ex-officio treasurer. Constable to be assessor and collector; the duties of each to be defined by ordinances. Legal requirements of mayor and aldermen. Recorder and constable to give

SECTION.

- bond. Amount of bond. To be approved by mayor.
6. Election on first Monday of January, 1861. Certain named persons to hold election.
7. General powers of mayor and aldermen.
8. Aldermen to levy a tax, not to exceed $\frac{1}{4}$ of one per cent. and make improvements.
9. Vacancies how filled.
10. All able bodied males to work on streets.
11. Corporation not to issue change tickets. Penalty for so doing.
12. Power and jurisdiction of the mayor.
13. This act to take effect from its passage; and all conflicting laws repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That the town of Austin in the county of Prairie, and State of Arkansas, with the metes and bounds following, to-wit: Commencing at the north-east corner of the south-west quarter of section ten, township four, north of range nine west, and running north two hundred and thirty-five yards; thence west one mile and one hundred and twenty yards; thence south thirteen hundred and thirty-five yards; thence east to the south-east corner of T. J. Payne's lot; thence north two hundred and twenty yards to the line between section ten and sixteen; thence east to the south-east corner of the south-west quarter of section ten; thence north to the point of beginning; shall be, and the same is, hereby erected into a corporate town for the period of ninety-nine years, and shall hereafter be called, designated and known by the name of "The Town of Austin."*

SEC. 2. *Be it further enacted, That for the preservation of*

peace and good order, and for the better ruling and governing of said town, and the inhabitants thereof, there shall henceforward be a mayor and four aldermen, a recorder and town constable; all of which officers shall be elected annually, after the first election, on the first Monday in January in each and every year, by the free white male inhabitants of said town over the age of twenty-one years; *Provided*, That no person shall be deemed qualified to vote for either of said officers unless such person shall have resided therein six months next preceding said election.

SEC. 3. *Be it further enacted*, That no person shall be eligible to the office of mayor, alderman, or either of the aforesaid offices, who shall not be a qualified voter as aforesaid.

SEC. 4. *Be it further enacted*, That the mayor and aldermen as aforesaid, shall be one body politic, in deed and fact, and name, for and during the term of ninety-nine years, to be known and designated by the name of "The Mayor and Aldermen of the Town of Austin," and they and their successors in office, at all times hereafter, shall be capable in law to have, purchase, take and receive possession and enjoy lands and tenements, hereditaments, liabilities, franchises, jurisdiction, goods, chattels and effects, and to grant, bargain and sell, alien and convey, demise and dispose of the same; and to sue and be sued, to plead and to be impleaded, in any court of justice whatever; and to make and use one common seal, and the same to alter and renew at pleasure.

SEC. 5. *Be it further enacted*, That the recorder of said town shall be ~~ex~~-officio treasurer thereof, whose duties, both as recorder and treasurer, shall be defined by the by-laws of said town; and the constable of said town shall be assessor and collector of all taxes ordered to be collected in said town, and shall also, by virtue of his said office, be overseer and superintendent of the streets, in such manner as may be defined by the by-laws of said town, and shall do and perform all other legal requirements of said mayor and aldermen; and such constable or [and] recorder shall, severally, before entering upon the discharge of their duties, give bond and security to the mayor

and aldermen of the town of Austin, and their successors in office, for the faithful performance and discharge of their respective duties, in a sum not less than three hundred nor more than three thousand dollars, at the discretion of said mayor and aldermen, for the use of any person or persons who may be aggrieved by any of the official acts of said recorder or constable, said bonds to be executed and delivered to said mayor, and approved by him within ten days after their said election, or said office or offices are hereby declared to be vacated, and a successor or successors shall be elected according to law; the said recorder or constable shall have power to appoint such a number of deputies as may be necessary, to be appointed by the mayor, before entering upon the discharge of their duties; and such town constable shall have full and ample power to serve all processes, civil or criminal, within the courts of said town; that the constable of townships have in their respective townships.

SEC. 6. *Be it further enacted*, That the first election to elect officers, herein mentioned, shall be holden on the first Monday in January, eighteen hundred and sixty-one, and when so elected, they shall hold their offices until their successors shall be elected and qualified; and the following named persons are hereby authorized and empowered to hold said election, to-wit: William Sanders, L. B. Mitchell, J. C. A. Skiffen, James M. Blakeney and Thos. J. Payne, esq.

SEC. 7. *Be it further enacted*, That said mayor and aldermen, or a majority of them, shall have power and authority, from time to time, and at all times hereafter, to hold a common council in said town, at such places as they may designate, and to make such by-laws, ordinances and regulations, in writing, not repugnant to the constitution of this state, and the same to revoke, enforce, or alter, as to them may appear necessary for the good order and civil government of said town and inhabitants, for all misdemeanors, disorders, neglects or nuisances, committed within the limits of said town, upon persons committing them therein, and for which the laws of the state have not provided ample remedy and penalty.

SEC. 8. *Be it further enacted*, That the said mayor and alder-

men of said town of Austin shall have full, ample and complete power, by action of common council, from time to time, to levy a tax on all property, both real and personal, within the limits of said town, subject to taxation, for defraying the expenditures of said corporation, in making improvements in said town, and in carrying out and enforcing the powers to said corporation granted by this act; *Provided*, That all property shall be taxed *ad valorem*, and said tax shall not exceed one-fourth of one per cent. per annum.

SEC. 9. *Be it further enacted*, That whenever a vacancy shall occur in any of the offices herein created, said vacancy shall be filled by election, at such time and in such manner as the by-laws of said town shall direct, and when elected shall hold their respective offices for the unexpired time of their predecessors.

SEC. 10. *Be it further enacted*, That every male inhabitant within the corporation of said town of Austin, who may be liable to work on roads and highways under the laws of this state, shall be liable to work on the streets and alleys of said town thirteen days in each year, if the same be thought expedient and proper by the town constable; and all persons thus made liable to work on said streets and alleys, shall be exempt from working on all roads and highways out of and beyond the corporate limits of said town.

SEC. 11. *Be it further enacted*, That it shall not be lawful for said corporation to issue change tickets, or any other issue intended to pass as currency; and a violation of this provision shall be deemed a forfeiture of said charter, and it shall be the duty of the prosecuting attorney, for the judicial circuit in which said town is located, to prosecute said corporation to a forfeiture of this charter, on the first proof furnished them.

SEC. 12. *Be it further enacted*, That the mayor of the town of Austin, herein provided for, and his successors in office, is hereby invested, as such mayor, with all the powers and jurisdiction which, under the law and constitution, pertain to justices of the peace in this state, both in civil and criminal proceedings; to this end, he may, as such mayor, issue process, hear and

determine causes, and in all things be governed in the extent and exercise of such jurisdiction by the laws now in force defining, and governing the proceedings of justices of the peace of this state.

SEC. 13. *Be it further enacted*, That this act shall take effect and be in force from and after its passage, and that all laws which conflict with this act, be and the same are hereby repealed.

APPROVED, 28th December, 1860.

No. 41.

AN ACT *for the relief of Crawford, Sebastian, Jackson, Ouachita, Perry, Madison, Poinsett, Polk and Newton counties.*

SECTION

1. All fines and forfeitures to be paid into the treasury of the respective counties named in this act.

SECTION

2. This act to take effect and be in force from and after its passage; and all laws conflicting with it repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all fines and forfeitures for false imprisonments, assault, assault and battery, breach of the peace, trespass on real property, and gaming, all fines and forfeitures inflicted for the suppression of vice and immorality, also all moneys arising from escheats of real or personal property, and also all funds arising from licenses granted to tavern keepers, grocery keepers, ferrymen, owners of ten-pin alleys, and billiard tables, and all moneys arising from estray bonds and penalties on estray bonds, in said counties of Crawford, Sebastian, Jackson, Ouachita, Perry, Madison, Poinsett, Polk and Newton, shall, when collected, be paid into the county treasu-

ries of said counties, to be used and applied as other county revenue.

SEC. 2. *Be it, further, enacted*, That all laws and parts of laws which are in conflict with any of the provisions of this act, be, and the same are, hereby repealed, and that this act be in force and take effect from and after its passage.

APPROVED, December 28th, 1860.

No. 42.

AN ACT to incorporate the Trustees of Marysville Male and Female Academy in Columbia county, and to prohibit the sale of spirituous liquors within two miles of the same.

SECTION

1. The Marysville Female Academy established.
2. Certain persons named as trustees; succession granted for 70 years; capable of holding property.
3. One of the trustees to be elected president. A majority shall be a quorum to do business.
4. General powers and duties of corporation.

SECTION

- 5 Lands and other property of corporation exempt from taxation.
6. The retail of spirituous or vinous liquors in two miles of the town of Marysville.
7. Penalty for violation of the provisions of section six.
8. This act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That an institution of learning be, and the same is, hereby established at the town of Marysville, in Columbia county, to be styled "The Marysville Male and Female Academy."

SEC. 2. The following persons are hereby appointed and constituted trustees of said academy, viz: Thos. H. Vaughn, John S. Parham, Thomas Maloch, J. C. McDonald and W. H.

R. Walker; and said trustees, and their successors, are hereby declared to be a body politic and corporate, by the name and description of "The President and Trustees of the Marysville Male and Female Academy," and by that name they shall have succession for seventy years, and be able to have and hold property, real, personal or mixed, by purchase, donation, or otherwise, for the benefit of said academy.

SEC. 3. There shall be a meeting of said trustees called by and at the instance of a majority of said trustees, upon their giving five days' notice, in writing, to the other trustees of the time and place of meeting, and they shall then proceed to elect one of their number as president of the board of said trustees, and the president, so elected, shall have power to call a meeting of said board of trustees whenever in his judgment it may be necessary, and a majority of said trustees, when assembled, shall constitute a quorum to transact business.

SEC. 4. Said incorporate body may have a common seal, may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, having jurisdiction; may dispose of and make title to any property for the benefit of said academy, and shall have power to construct all necessary buildings, to purchase and provide such books, instruments and apparatus as they may deem necessary and proper for said academy; to make such by-laws, rules and regulations, for the government of said academy, the teachers and pupils thereof, as they may think advisable; to contract with, engage and employ teachers and instructors for said academy, and to elect, appoint and employ such other officers and agents as they may deem necessary; and in general to do and perform any and all acts which, in their judgment, shall be necessary for the general interest of said academy, in as full and ample a manner as any person or body politic could do; *Provided*, That they shall not do anything contrary to the laws of the state and the provisions of this act.

SEC. 5. All lands and other property, owned and held by said corporation for the benefit of said academy, shall be exempt from taxation.

SEC. 6. *Be it further enacted*, That after the first day of March next, it shall not be lawful for any person or persons to vend, by wholesale or retail, any spirituous or vinous liquors, except for strictly medical or mechanical purposes, within two miles of said town of Marysville.

SEC. 7. If any person or persons shall violate the provisions of the preceding section of this act, he, or they, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, before a court of competent jurisdiction, under the constitutional forms of trial, shall be fined in any sum not less than ten nor more than fifty dollars, for each and every such offence.

SEC. 8. This act shall take effect and be in force from and after the first Monday in March, eighteen hundred and sixty-one.

APPROVED, December 28th, 1860.

No. 43.

AN ACT *to define the punishment of crimes in certain cases.*

SECTION

1. Penalty for encouraging a slave to rebellion, or furnishing him with arms or poison.

SECTION

2. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That whoever shall be convicted of exciting or encouraging any slave to rebellion, or of arming with a deadly weapon, or furnishing any slave with poison, for the purpose of murder or insurrection, shall suffer death.

SEC. 11. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, January 1st, 1861.

No. 44.

AN ACT to amend chapter one hundred and eleven, page 765, of the Digest of this State.

SECTION

1. In relation to the rights of married women.

SECTION

2. Conflicting laws repealed; act in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That whenever any married woman shall become seized and possessed of any property, real or personal, under the provisions of chapter 111, of pages 765 and 766, of Gould's Digest of the Statutes of Arkansas, and there is record evidence of such seizen and possession in the county where she resides, it shall not be necessary for her to file a schedule, as provided in section seven, of page 766, of said chapter, to entitle her to the benefits of said chapter.

SEC. 2. *Be it further enacted*, That all laws in conflict with this act, be, and the same are hereby repealed, and this act shall be in force from and after its passage.

APPROVED, December 31st, 1860.

No. 45.

AN ACT to incorporate the Iron Mountain and Helena Rail Road Company.

SECTION

1. Certain persons named incorporated in the name of "The Iron Mountain and Helena Rail Road Company;" its objects and powers.

SECTION

2. Capital \$2,500,000; shares \$50 each; company shall organize when \$50,000 of the capital is taken.

SECTION

3. Books opened for subscription to capital stock.
4. Government of the affairs vested in board of directors, who shall be stockholders; shall elect one of their number president, and a secretary and other officers.
5. A meeting of the stockholders to be called; object.
6. In case of no election, company not dissolved; how vacancies filled.
7. Power of the president and directors.
8. Company may purchase lands, stone, timber, wood and materials for constructing road.
9. Lands and other property to enure to company.

SECTION

10. Power of president and directors in relation to installments.
11. In case of deficiency, what the president and directors to do.
12. Company not to obstruct navigation of rivers, or traveled roads of any kind.
13. Company to take toll; when.
14. Discretion of directors.
15. Power of the company to contract with railroads.
16. Road to be commenced in three and completed in 15 years.
17. Charter to continue for 99 years; corporate privileges to cease and determine.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That J. F. Davies, L. L. Mack, A. L. Stewart, J. B. Hillis, A. A. Ransom, T. Harlson, D. C. Cross, P. Van Patten, W. A. Neeley, J. W. Landrum, John McDaniel, George W. Seaborn, John F. Hanks, John C. O. Smith and John S. Horner, with such other persons as shall associate with them for that purpose, are constituted a body politic and corporate, by the name of the Iron Mountain and Helena railroad company, and by that name may sue and be sued, plead and be impleaded, in any court of this State, to make and have a common seal, and to alter such at pleasure, and the company is hereby vested with all the privileges and immunities which are, or may be, necessary to carry into effect the purposes and objects of this act hereinafter set forth, and the said company is hereby authorized and empowered to locate, construct and finally complete and maintain a single or double tract of railroad from the Iron Mountain or northern boundary of the State of Arkansas to Helena, on the Mississippi river, on the most expedient route, and to transport, take and convey property and persons upon such railroad by the power of steam or any mechanical power, or by any combination of theirs which the said company may choose to apply, and for the purpose of constructing said*

railroad; the company is hereby authorized to lay out their road, not exceeding one hundred feet wide through the whole length, and for the purpose of depots, stations, cuttings and embankments, and for the purpose of necessary turn-outs, and for the purpose of obtaining stone, timber, gravel and other materials, may take as much more land as may be necessary for the construction, security and maintainance of the said road, with permission to purchase the stock, material and right of way, and to fix up telegraph wires on said line, and to make any lawful contract with any other railroad company in relation to the business of said company, and also to make joint stock with any other corporation; *Provided*, That all damages that may be occasioned to any person or corporation by the taking of any land or material as aforesaid, shall be assessed in the manner hereinafter described.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be two and a half millions of dollars, which may be increased to an amount sufficient to construct and fully equip the said railroad, as set forth in the first section of this act, and which shall be divided into shares of fifty dollars each, which shares shall be deemed personal property, and be transferred in such manner as the by-laws of the company may direct; *Provided*, That said company shall organize so soon as shares to the amount of fifty thousand dollars shall have been taken.

SEC. 3. *Be it further enacted*, That the persons named in the first section of this act, or a majority of them shall open books of subscription to the capital stock of said company at such times and places as they may deem proper; *Provided*, That the directors may authorize any person to receive subscriptions to the stock at any time or place.

SEC. 4. *Be it further enacted*, That the immediate government of the affairs of said company shall be vested in a board of directors, twelve in number, who shall be stockholders, and who shall be chosen by the stockholders of said company, in the manner hereinafter provided, and shall hold the office until others are duly elected and qualified to take their places as

directors, and the said directors, a majority of whom (the president being one,) shall be a quorum for the transaction of business; shall elect one of their number to be president of the company; they shall also choose a secretary and other officers, as they may deem necessary.

SEC. 5. *Be it further enacted*, That the persons authorized in the third section of this act, to open books of subscription to the capital stock of said company, are hereby authorized and required, after the books of subscription are closed, or when the sum subscribed shall reach fifty thousand dollars; to call a meeting of the stockholders of said company in such manner, and at such time and place as they may appoint for the choice of directors of the said company; and in all meetings of the stockholders of said company, each share shall entitle the holder thereof to one vote, which vote may be given by the holder in person or by lawful proxy; and the annual meeting of the stockholders of said company for the choice of directors shall be holden at such times and places, and upon such notice as the company in their by-laws may publish.

SEC. 6. *Be it further enacted*, That in case it shall so happen that an election for directors shall not be made on any day appointed by the by-laws of said company, said company shall not for that cause be dissolved, but such election shall be held on any other day which may be appointed by the directors of said company, and said directors shall have power to fill any vacancy by death, resignation or otherwise.

SEC. 7. *Be it further enacted*, That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents or servants whatsoever, as they may deem necessary to carry on the business of said company, and may dismiss them at pleasure, and a majority of them may authorize the compensation of all officers, engineers and servants of said company; the directors shall have power to pass all by-laws they may deem necessary and proper for exercising all the powers vested in this company for carrying into effect the objects of this act; *Provided*, Only such by-laws shall not be contrary to the laws of this State, or of the United States.

SEC. 8. *Be it further enacted*, That said company is hereby authorized to contract for and purchase all such land, stone, timber, wood and other materials as may be necessary or required in the construction or maintainance of said railroad; and in case the company and owner of such land, stone, timber, wood or other materials, cannot agree upon the price to be paid therefor, it may be lawful for such company and the said owner to choose each one disinterested citizen in the county where such timber, wood, stone or other material may be, who shall choose a third, who shall be duly sworn to ascertain the value of such land, timber, wood, stone or other materials, who, after being thus sworn, shall ascertain and assess the value thereof, and before the said company shall have or use the same, it shall pay to such owner the amount so assessed by such arbitrators, and either party feeling himself aggrieved by such assessment, shall have the right to present to the circuit court of the proper county such assessment, and on giving to the adverse party thirty days' notice thereof, such court shall, without the forms of pleading, ascertain the value of such land, stone, timber, wood or other materials.

SEC. 9. *Be it further enacted*, That such lands or other property which may be condemned or estimated aforesaid, shall enure to, and become the property of said company, for the purpose aforesaid, upon the payment by the said company of the amount assessed by the said arbitrators, to the party claiming damages on account of the construction of said roads through said lands, or for such other property; *Provided*, That said work shall in no wise be delayed on account of the proceedings had, as aforesaid.

SEC. 10. *Be it further enacted*, That said president and directors shall have power to require the stockholders of said company to pay such installments on their respective shares of stock in said company, and at such time as they may deem best for the interests of said company, and upon the failure or refusal of any stockholder to pay the installment on his or their stock, in pursuance of any call made by the president and directors, as aforesaid, said president and directors may, upon giv-

ing thirty days' notice, proceed to sell at public sale, the share or shares of said stock, owned by said defaulting stockholder, or such part as they may think proper, to the highest bidder, and if, on the sale of the shares of said stock, owned by said defaulting stockholder, said stock should be sold for less than the amount due on installments as above mentioned, said stockholder shall be liable to pay the deficiency in manner and form as hereinafter specified.

SEC. 11. *Be it further enacted*, That upon the failure or refusal of any stockholder to pay any installment called for by the president and directors of said company, or if, upon the sale of said shares, as above specified, there should be a deficiency, the president and directors shall receive the amount of said call, or all the deficiency remaining, by due course of law.

SEC. 12. *Be it further enacted*, That said company shall have the right to construct bridges for their road across navigable streams, and to cross or intersect any established rail or other road; *Provided*, The navigation of such stream is not stopped, and the passage of such other rail or other roadway is not impeded, and said company may cause any road or way to be changed or altered in such a manner that said railroad may be made on the best site of ground for that purpose; *Provided*, Said company shall put such road or way in as good condition as at the time of altering or changing the same.

SEC. 13. *Be it further enacted*, That after the construction of said railroad, the company may collect toll from any person who may ride, or transport merchandize, or any other commodity on the same.

SEC. 14. *Be it further enacted*, That payments of subscription to the stock in said railroad may be made in labor, materials, previsions, and in real, personal and mixed property, which the board of directors, at their discretion, may deem it expedient to accept.

SEC. 15. *Be it further enacted*, That said company shall have power to contract with the Little Rock and Memphis railroad company to run cars through from Helena to Little Rock, and

from Little Rock to Helena, on the Little Rock and Helena railroad.

SEC. 16. *Be it further enacted*, That the said railroad shall be commenced within three years, and the same completed within fifteen years of the passage of this act.

SEC. 17. *Be it further enacted*, That this charter shall continue for the term of ninety-nine years, and at the end whereof, all the corporate privileges hereby granted shall cease and determine.

APPROVED, December 31st, 1860.

No. 46.

AN ACT to establish separate courts in the county of Jackson.

SECTION

1. Jackson county divided into two judicial districts.
2. Circuit, probate and county courts to be held at Jacksonport.
3. Same number of sessions of circuit court to be held at Augusta.
4. Circuit court in Jacksonport district.
5. Districts considered as separate counties; to determine where causes shall be tried.
6. Circuit courts of the districts to be distinct from each other.
7. Jurisdiction of the circuit courts in each district.
8. Qualification of jurors for each district.
9. Probate courts of Jackson county to be held also at Augusta.
10. Causes now pending in circuit court of Jackson county not to be removed.

SECTION

11. When county courts held at Augusta, and how constituted.
12. Jurisdiction of county court at Augusta.
13. Style of the county and probate court held at Jacksonport.
14. County revenue how collected and divided.
15. County officers to act officially in each district.
16. Sheriff to make and return separate assessment books for each district, and clerk to make out separate tax books for the same. Liability of sheriff and securities; not changed in regard to state revenue.
17. Sheriff to have a deputy to live in different district from himself.
18. Clerk to keep offices at Jacksonport and Augusta. Provide a seal for Augusta circuit court, which shall

SECTION

be the seal of county and probate courts—and also the recorder's seal at same place.

19. Deeds to be recorded in proper district.

SECTION

20. Object of the act in relation to certain duties of the clerk.

21. This act to take effect and be in force from adjournment of December term of Jackson circuit court, 1860.

Be it enacted by the General Assembly of the State of Arkansas, as follows:

SECTION 1. That Jackson county shall be divided into two judicial districts, to be called the Jacksonport district and the Augusta district; that all that part of the county north of the line dividing townships ten and nine, shall compose and be called the Jacksonport district; and all that part of the county south of said line shall compose and be called the Augusta district.

SEC. 2. That the circuit, probate and county courts of Jackson county shall continue to be held at its county seat, as now provided by law, and shall be the courts to be held in and for the Jacksonport district, and there shall be no change in the style of the process and legal proceedings, which shall be pending in said courts.

SEC. 3. That the circuit court of Jackson shall also hold the same number of sessions at the town of Augusta, as by law it does and shall hold [at] its county seat, at times to be designated by law, and shall be called the circuit court of Jackson county for the Augusta district, and its authority and territorial jurisdiction shall extend over the Augusta district, as if such district was an independent and distinct county.

SEC. 4. That the authority and territorial jurisdiction of the circuit court of Jackson county, held at its county seat, shall extend only over the Jacksonport district, and that henceforth, said court shall be called the circuit court of the county of Jackson for the Jacksonport district.

SEC. 5. That to ascertain in which of the respective districts actions cognizable in the circuit court shall be returnable and be tried, the said districts shall be considered as distinct counties, and the mode and place of bringing suits shall be determined by the general law applicable to different counties;

but all process, civil and criminal, original, mesne and final, that may be issued from the circuit court of either district, shall run the whole county, and have like effect as if the court whence it issued was the only circuit court of the county, unless as otherwise provided in this act.

SEC. 6. The circuit courts held in the respective districts of Jackson shall be as distinct from each other, and shall have the same relation to each other, as if they were circuit courts of different counties, and may change the venue of cases from one court to the other; as circuit courts now do, or may hereafter do, under the general law.

SEC. 7. Judgments rendered in the circuit courts of the respective districts shall be lien upon real estate only in the district where rendered, but executions in the hands of the sheriff shall have the same lien and force throughout the county as executions upon judgments of circuit courts have by law; and sales of slaves and lands at the door of the court-house, or place of holding courts in Augusta, shall be lawful as if made at the court-house door of the county.

SEC. 8. Citizens of Jackson county shall be liable to service upon juries only in the district in which they reside, saving that citizens of any township that may be in both districts shall not be exempt from serving upon inquests upon dead bodies, or upon juries before justices of the peace.

SEC. 9. The county and probate judge of Jackson county shall hold probate courts of Jackson county for the Augusta district, in the town of Augusta, on the fourth Mondays of January, April, July and October, and all matters of probate court jurisdiction that arise and happen within the limits of the Augusta district, shall be tried and determined in said probate courts, and with like incidents and effect as if done in the probate court of the county before the passage of this act.

SEC. 10. All causes depending in the circuit and probate courts of Jackson county, shall remain for adjudication and enforcement in the courts held in the Jacksonport district.

SEC. 11. County courts of Jackson county shall be held in Augusta at the same time as the probate courts, but if held

with associate justices, they shall be selected from the Augusta district by the justices of the peace resident in the district.

SEC. 12. All matters of county court jurisdiction appertaining to that part of the county within the Augusta district, and to persons and property resident and being therein, shall be subject to the examination and determination of the county court of Jackson county for the Augusta district.

SEC. 13. The probate and county courts that shall continue to be held at the county seat of Jackson county shall be called the county and probate courts of Jackson county for the Jacksonport district.

SEC. 14. All the revenue that, by law, does, or shall accrue to Jackson county, from all sources, shall belong to, and shall be collected for the district in which it shall accrue, and shall be accounted for to the county court for the proper district, in the manner that now is, or shall be prescribed by law.

SEC. 15. In all things concerning the county revenue, the Jacksonport and Augusta districts, through their separate county courts, shall act and be as independent counties, but shall be served by the same sheriff, clerk, treasurer, coroner, school and internal improvement commissioners, and other ministerial officers.

SEC. 16. Separate assessments shall be made by the assessor of Jackson county, and separate tax books shall be made by the clerk, for the respective districts, but nothing in this act shall change the liability of the collector or his securities, on account of the revenue of the state due from Jackson county.

SEC. 17. In whichever district of the county the sheriff shall live, he shall have a deputy who shall reside in the other district.

SEC. 18. The clerk of the circuit court of Jackson county shall keep an office at Augusta, in addition to the office required of him to be kept at the county seat, and shall provide a seal for the circuit court of Jackson county, for the Augusta district, which shall be the seal of the probate and county courts and of the recorder for the Augusta district, and he shall also provide suitable books for recording the proceedings of the courts, and

for recording deeds and writings, that by law may, or ought to be, recorded.

SEC. 19. The record of deeds and writings that are proper to be recorded, to be made by the [clerk] and recorder of Jackson county, in his office, at Augusta, showing the conveyance and transfer of property within the Augusta district, shall be of the same validity as the record heretofore kept only at the county seat of said county, and certified copies thereof shall have the same effect as evidence, as if there was but one recorder's office in the county.

SEC. 20. As to all matters not included in this act the county of Jackson shall not be taken to be a dividend county, and in business done by the clerk, he shall specify for what office or in what court it is done, only when it shall relate to the subject matters of this act, and in all cases shall certify what he shall do as having been done by the clerk of the circuit court of Jackson county, and not as done by the clerk of the circuit court of the county for either of the districts mentioned in this act.

SEC. 21. This act shall take effect at the adjournment of the December term of the circuit court of Jackson county for the year 1860.

APPROVED, December 28th, 1860.

No. 47.

AN ACT to incorporate the Arkansas Synodical College of Arkadelphia.

SECTION

1. Certain named persons incorporated by the name of the "Arkansas Synodical College," for 99 years.

SECTION

- The powers, objects and purposes of the corporation.
2. College under control and supervi-

SECTION

- ion of the Synod of Arkansas, powers and duties of synod.
- 3. Corporation to keep books, and report annually to Synod of Arkansas.
- 4. Disposition of property, if charter forfeited at any time.

SECTION

- 5. Former subscriptions to enure to benefit of college.
- 6. No misnomer to defeat any gift or bequest.
- 7. Charter declared a public act.
- 8. Books, apparatus and college property exempted from taxation. Act to be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That the present board of trustees, to-wit: S. Williamson, Thomas R. Welch, B. N. Stawtelle, A. R. Banks, W. Baird, J. S. Boozer, A. Beattie, J. W. Moore, Thomas G. McFadden, A. W. Lyon, Joseph Hart, J. A. Patillo, J. W. Miller, R. L. Dodge, E. W. Wright, P. K. Rounsaville, E. L. Bullock, J. R. Hampton, H. Flanagan, J. J. Witherspoon and E. Cross, and their successors in office, as such trustees, be, and they are hereby constituted a body politic and corporate, with succession for ninety-nine years, under the name of the Arkansas Synodical College; with full power to form and adopt such constitution and by-laws and police regulations as may be deemed necessary for the government of said college, and the protection and preservation of the premises and other real, personal, or mixed property, which may be held by said trustees for the use and benefit of said college, not inconsistent with the constitution and laws of this state, and in accordance with the directions of the Synod of Arkansas; to provide the mode for choosing their officers; and upon the recommendation of the faculty, to confer all such degrees as are usually conferred by colleges or universities, and to give diplomas in testimony thereof, signed by the president of the corporation, and by the members of the faculty of the college, and sealed with the common seal of the corporation; to have and hold in trust for said college, and receive title to any property, real, personal or mixed, which may be given, granted, sold or bequeathed to said college; to acquire and hold by purchase or otherwise, and receive titles to any and all such property, both real, personal and mixed, as may be and usually is purchased for such insti-*

tutions; to use a common seal, to sue and be sued, plead and be impleaded, in any of the courts of this state; to sell or dispose of any property, either real, personal or mixed, which may belong to said college; and to do and perform all and any other things which may of right be done for the advancement and objects of said corporation.

SEC. 2. Said college is to be under the control and supervision of the Synod of Arkansas, being under care of the General Assembly of the O. S. Presbyterian Church of the United States, who are hereby authorized to make such provisions in regard to the management of said college as they may deem best, to divide the above named trustees into three classes; the term of office of the first class shall be vacated at the expiration of the first year—the second class at the expiration of the second year, and the third class at the expiration of the third year, so that one-third may be chosen every year by the Synod of Arkansas, at its annual meeting, to fill any vacancies which may occur in the corporation: to elect all instructors in the several departments of the institution, and to remove the same, when it shall be deemed needful for the welfare of the college.

SEC. 3. The said corporation shall keep regular and fair entries of their proceedings, and a just account of their receipts and disbursements, in a book provided for that purpose, and shall exhibit the same to the said Synod of Arkansas, at each annual meeting of that body.

SEC. 4. Should this charter, at any time or by any means, be forfeited, all the property of said corporation shall thereupon vest in the said Synod of Arkansas, to be, by it, appropriated to educational purposes.

SEC. 5. The subscriptions heretofore taken, shall not be released, for the reason they are not payable to the trustees of said college, but the same shall hold and enure to the use and benefit of said college, and be collected and receipted for by the said trustees, or their properly authorized agent or officer.

SEC. 6. No misnomer of said college shall defeat or annul any right, grant, devise or bequest thereto.

SEC. 7. This act shall be deemed a public act, and judicially noticed as such, without being pleaded specially.

SEC. 8. The books, apparatus, and college property of said college shall be exempt from taxation, and this act shall be in force from its passage.

APPROVED, December 31st, 1860.

No. 48.

AN ACT to incorporate the Franklin Male Institute, at Ozark, Arkansas.

SECTION

1. The "Franklin Male Institute" established at Ozark,
2. Certain persons named, incorporated by the name and style of "The President and Trustees of the Franklin Male Institute," for ninety-nine years. Power to hold lands, etc.
3. Powers and duties of board.

SECTION

4. Majority of trustees a quorum to do business. To elect one of their number president. Duty of President and teachers.
5. Trustees have power to confer degrees and grant diplomas.
6. Vacancies how filled. Property exempted from taxation.
7. This act take effect and be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That an institution of learning, be, and the same is hereby established at Ozark, in the county of Franklin, to be called the Franklin Male Institute.

SEC. 2. *Be it further enacted*, That the following persons be, and they are hereby appointed trustees of said Franklin Male Institute, to-wit: J. F. Quaile, J. J. Walker, D. C. Hail, P. F. Webb and W. J. Montague, and they and their successors in office, shall have the charge, care and control of said institu-

tion, and said trustees and their successors in office, are hereby constituted a body politic and corporate, in deed and in law by the name of "The President and Trustees of the Franklin Male Institute," and by that name they and their successors may and shall have succession for ninety-nine years, and be able and capable to have, take and receive lands, tenements and hereditaments, of any kind, in fee simple for life, or for years; or personal property of any kind, which may be given, granted, bargained sold, devised, or bequeathed to them, for the promotion of the interests of said institution.

SEC. 3. That said board of trustees shall have power to sue and be sued, plead and be impleaded; to have a common seal and to alter the same at pleasure; and that they and their successors in office shall have power to make and alter, from time to time, such by-laws as they may deem necessary for the government and control of said institution, its finances, officers, teachers and professors; *Provided*, Such by-laws are not inconsistent with the constitution and laws of this state and of the United States.

SEC. 4. A majority of said trustees shall constitute a quorum, competent to transact all ordinary business of said institution, and they shall, as soon after the passage of this act as convenient, elect one of their number president of said Franklin Male Institute, and who, with the principal teachers, shall sign all diplomas, or certificates, conferring academical degrees.

SEC. 5. Said trustees shall have power to confer all such degrees as are usually conferred by the most learned male academies, and to grant diplomas to all applicants, who, in the opinion of an examining board, to consist of the trustees and teachers of said institution, are qualified to receive the same, upon the payment of such sum as may be prescribed by the by-laws, which diploma shall be signed by the principal teachers and president of the trustees.

SEC. 6. All vacancies which may occur in the board of trustees, by death, resignation, or otherwise, shall be filled in such manner as may be prescribed by their by-laws, and that the house and lot, together with the chemical, philosophical and other appa-

ratus belonging to said institution, be, and the same are hereby exempted from taxes for ninety-nine years.

SEC. 7. This act shall be in force from and after its passage.

APPROVED, 31st December, 1860.

No. 49.

AN ACT for the relief of T. J. Warner, of Lawrence county, and Arthur Crawford, James Winn, J. M. Winn, Pinckney Cantrell, Thomas Gilstrap and C. G. Gilbreath, of Washington county.

SECTION

1. \$200 appropriated to T. J. Warner. Auditor to draw warrant on treasurer; Z. P. McAlexander to receipt for same.

SECTION

2. \$200 appropriated to Nathen Crawford et al., of Washington county.
3. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the sum of two hundred dollars be, and is, hereby appropriated, out of any money in the treasury not otherwise appropriated, to T. J. Warner, of Lawrence county, as full compensation for the capture of one Daniel Hettibram, who wilfully murdered one M. S. P. Hancock, on the 4th day of July, 1857; and the auditor of public accounts is hereby directed to draw his warrant on the treasurer for said amount, and Z. P. McAlexander be, and he is, hereby authorized to receive and receipt for the same.

SEC. 2. *Be it further enacted*, That the sum of two hundred dollars be, and is hereby appropriated out of any money in the treasury, not otherwise appropriated, to pay Arthur Crawford, James Winn, J. M. Winn, Pinckney Cantrell, Thomas Gilstrap and C. G. Gilbreath, of Washington county, for pursuing

— Davis; the murderer of — Clary and son, citizens of Texas, while traveling through Crawford county, in September last, and taking and delivering said Davis to the sheriff of Crawford county, on the 4th of October, 1860; and the auditor of public accounts is hereby directed to draw his warrant on the treasurer for said amount.

SEC. 3. *Be it further enacted*, That this act take effect from and after its passage.

APPROVED, December 31st, 1860.

No. 50.

AN ACT to incorporate the Trustees of the Presbyterian Church of Washington, Hempstead county, Arkansas.

SECTION

1. Certain named persons incorporated by the name and style of the "Trustees of the Presbyterian Church of Washington," for fifty years. Powers, duties and objects of the corporation.

SECTION

2. Trustees to have and enjoy the same rights and privileges as now granted to religious corporations for educational purposes.
3. Act to be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Thos. G. McFadden, Joel W. Hannah, William A. Carrigan, Daniel Alexander, A. D. Pope, William M. Carrigan, William O. Bradley, R. M. Wilson and William Marshall, elders in the Presbyterian church at Washington, in Hempstead county, and such other elders in said church as may succeed them, be, and the same are, hereby created and constituted a body corporate, by the name and style of "The Trustees of the Presbyterian Church of Washington, in Hempstead county, Arkansas," with succession for fifty years; and, as such corporation, may sue and be sued, receive legacies, gifts and

donations of money or real estate, and maintain and recover on suits of trespass on their buildings or burial-ground; *Provided, always,* That said corporation shall not hold property to exceed the amount of two hundred and fifty thousand dollars.

SEC. 2. *Be it further enacted,* That it shall not be necessary to plead this act specially in any suit; and said elders, hereby incorporated as trustees, shall have the same powers, and enjoy the same privileges, now granted by law to corporations for educational or religious purposes.

SEC. 3. *Be it further enacted,* That this act shall be in force and take effect from and after its passage.

APPROVED, December 31, 1860.

No. 51.

AN ACT to amend chapter 100 of the Digest, under the head of
landlord and tenant.

SECTION

1. Leins can be brought before a justice of the peace or the circuit court, and attachments to issue in certain cases, whether the rent be due or not.
2. Landlord or agent required to file affidavit in certain cases, and give

SECTION

- bond for prosecution and verification of affidavit.
3. Landlord may levy on the crop, etc.
4. If rent not due at commencement of suit, trial stayed till it is due; attachment may be dissolved, etc.
- 5 Act to take effect from passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That any landlord who has a lien on the crop for rent, shall be entitled to bring suit before a justice of the peace, or in the circuit court, as the case may be, and have a writ of attachment for the recovery of the same, whether the rent be due or not, in the following cases: first, when the tenant is about to remove the crop from the premises without paying the

rent; second, when he has removed it or any portion thereof, without the consent of the landlord.

SEC. 2. Before such writ of attachment shall issue, the landlord, his agent, or attorney, shall make and file an affidavit of one of the above facts, that the amount claimed, (which shall be therein stated,) is, or will be due for rent, or will be the value of the portion of the crop agreed to be received as rent, stating the time when the same became, or would become due, and that he has a lien on such crop for such rent, and he shall file, with the justice, or clerk, as the case may be, a bond to the defendant, with sufficient security, in double the amount of his claim, as sworn to, conditioned, that he will prove his debt or demand and his lien, in a trial at law, or that he will pay such damages as shall be adjudged against him.

SEC. 3. *Be it further enacted*, That such writ of attachment may be levied on the crop in the possession of the tenant or any one holding it in his right or possession of a purchaser from him, with notice of the lien of the landlord.

SEC. 4. *Be it further enacted*, That if the rent shall not be due at the commencement of the suit, the trial shall be stayed until it becomes due, and such attachment may at any time before final trial, be dissolved, in the manner now prescribed by law, and the cause proceed as other suits.

SEC. 5. *And be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, December 28th, 1860.

No. 52.

AN ACT to incorporate the Hickory Plain Male and Female Institute.

SECTION

1. Certain named persons incorporated by the name and style of "Hickory Plain Male and Female Institute. Its objects and powers.
2. How vacancies filled.
3. General Powers and duties of corporation.
4. Company to employ president, professors and teachers, and the same to remove at pleasure. To grant diplomas, etc.

SECTION

5. Conveyances made to trustees to enure to it in corporate name.
6. Trustees to fix salaries of officers and teachers.
7. No person to retail spirituous liquor in less quantity than twenty gallons within three miles of institute.
8. Penalty for violating the provisions of preceding section.
9. Act to be and continue in force 99 years from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Samuel J. Dunn, Daniel Harshaw, W. S. Moore, A. J. Thomas, D. F. Riendhart, John Williams, and Aser Pipkins, and their successors in office, be, and they are, hereby constituted a body politic and corporate, under the name and style of "Hickory Plain Male and Female Institute," and henceforth shall be known by that name, and have power to appoint their successors; and to sue and be sued, plead and be impleaded, to answer and be answered, to have a common seal, and to alter from time to time the same, and to make and alter such by-laws, as they may deem proper, for the government of said male and female institute; *Provided*, Such by-laws are not inconsistent with the constitution and laws of this state and the United States.

SEC. 2. That said corporation shall have power to fill such vacancies in their body as may occur by death, resignation, or otherwise.

SEC. 3. Said corporation shall be competent in law and equity to hold, in its said corporate name, real, personal and mixed property, by gift, grant, bargain or sale, will, devise or bequest of any person or persons whatsoever; and the same estate, whether real or personal, they may grant, bargain, sell, convey,

devise, place out at interest, or otherwise dispose of, as they deem best for the interest of said school.

SEC. 4. Said corporate body shall have power to employ such president, professors and teachers, as may be necessary for the interest of the school; and also to displace any or either of them as, in their judgment, the interest of the school requires; and they may direct the course of studies to be pursued in said institute; said corporate body shall have power also to institute a board of competent persons, always including the faculty, who shall examine all applicants for collegiate and academical degrees, and if such applicants are found to possess such acquirements as, in the judgment of said board, render them worthy, they may be considered in course, and shall be entitled to a diploma accordingly, on paying such fee as shall be prescribed by the by-laws of said institute.

SEC. 5. That any conveyances which have been made to said trustees, shall come to them in their new corporate name and character, according to the terms of such conveyance, and be held by the aforesaid trustees, and their successors in office, forever, in as full and complete a manner as though the said conveyance had been made since the enactment of this charter.

SEC. 6. *Be it further enacted*, That the trustees of said school shall have the power of fixing the salaries of all the officers and teachers connected with said institute.

SEC. 7. That no person or persons shall be permitted by law to retail or sell intoxicating liquors, in a less quantity than twenty gallons, within three miles of said male and female institute.

SEC. 8. That any person or persons violating the provisions of the preceding section, shall, for each offence, be deemed guilty of a misdemeanor, and, upon conviction therefor, shall be fined in any sum not less than twenty dollars.

SEC. 9. *Be it further enacted*, That this act remain and be in force ninety-nine years from and after its passage.

APPROVED, January 1st, 1861.

No. 53.

AN ACT amendatory of an act passed at a previous session of the Legislature of Arkansas, declaring the Ozan creek, in Hempstead county, navigable.

SECTION

1. Ozan creek between certain points declared not navigable in Hempstead county.

SECTION

2. All laws conflicting with this act repealed, and this act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That an act passed by a previous session of the General Assembly, declaring the Ozan creek, of Hempstead county, navigable to a point known as the Burnt Mills, be, and the same is, hereby so amended as not to include so much of the creek as is situated between the Burnt Mills and Wingfield's Ford; and that so much of the creek as is situated between the Burnt Mills and Wingfield's Ford, be, and the same is, hereby declared unnavigable.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict herewith, be, and the same are, hereby repealed, and that this act be in force from and after its passage.

APPROVED, January 1st, 1861.

No. 54.

AN ACT to protect Pleasant Hill Church, in Scott county, from disturbance from the sale of intoxicating liquors.

SECTION

1. Not to sell spirituous liquors within two miles of Pleasant Hill church.
2. Penalty for violating preceding section.

SECTION

3. Circuit Judge to give this act in charge to grand jury.
4. Act in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That no person shall buy, sell or barter any spirituous liquors within two miles of Pleasant Hill church house, in Boone township, in Scott county, Arkansas.

SEC. 2. *Be it further enacted,* That any person violaring the provision of the preceding section, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than ten dollars.

SEC. 3. *Be it further enacted,* That it shall be the duty of the circuit judge to give this act in charge to the grand jury.

SEC. 4. *Be it further enacted,* That this act be in force from and after its passage.

APPROVED, January 1st, 1861.

No. 55.

AN ACT *to aid the citizens of Baitie township, in Benton county, in preventing the sale of spirituous or vinous liquors in said township.*

SECTION

1. That an act entitled "An act to aid the citizens" of certain townships in Washington county, to

SECTION

- apply to Beaties township, in Benton county.
2. Act to be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That an act entitled an act to aid the citizens of Vineyard, Cane Hill and Ellinois townships, in Washington county, in preventing the sale of spirituous or vinous liquors in said townships, and approved twenty-seventh December, eighteen hundred and fifty-six, be, and the same is hereby applied to Baitie township, in Benton county, and shall be in

full force and virtue in said township, in all of its provisions, from and after the passage of this act.

SEC. 2. And this act take effect and be in force from and after its passage.

APPROVED, January 1st, 1861.

No. 56.

AN ACT to authorize the common school commissioner of Carroll county to sell at public sales, the remainder of the sixteenth sections in Carroll county, Arkansas.

SECTION

1. Common School Commissioner of Carroll county authorized to sell certain sixteenth sections of land.
2. Section 54, of chap. 154, of Gould's

SECTION

- Digest, repealed as far as it conflicts with preceding section.
3. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the common school commissioner in Carroll county, be, and he is hereby authorized to sell at public vendure, the remainder of the sixteenth section, in township nineteen (19,) north of range twenty-four (24) west, and the sixteenth section in township eighteen (18,) north of range twenty-two (22) west; also the sixteenth section, in township nineteen (19,) range twenty-three (23) west, to the highest and best bidder on a credit of five years; *Provided*, Such sale shall be advertised according to existing laws, and sale made in like manner; *Provided further*, That such sale may be made on the premises.

SEC. 2. That all that part of chapter one hundred and fifty-four (154) section fifty-four (54,) of the Digest, that establishes the minimum price on school lands, be, and the same is hereby

repealed, so far as the sale of the aforesaid land or sixteenth sections are concerned.

SEC. 3. That this act be in force from and after its passage.

APPROVED, January 1st, 1861.

No. 57.

AN ACT to incorporate the Pine Bluff Cotton Seed Oil Manufacturing Company.

SECTION

1. Certain named persons incorporated under the name and style of the "Pine Bluff Cotton Seed Oil Manufacturing Company," for ninety-nine years.
2. Capital stock \$50,000, and may be increased to \$100,000; when to organize and proceed to business.
3. Authorized to issue bonds, but not to exceed amount of capital stock; not to issue change tickets or shiplasters.

SECTION

4. Affairs of company to be controlled by board of directors; term of office; vacancies, how filled.
5. Board to elect president and other officers and agents.
6. Further powers of company in relation to its business, etc.
7. Officers not to contract liabilities binding on individuals beyond amount of stock.
8. Stock of company exempted from taxation for first five years.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Josiah Snow, James Ketchum, William D. Snow, Samuel C. Fiske, and their associates and assigns, are hereby created a corporation and body politic, for the manufacture of oil from cotton seed, under the name and style of the Pine Bluff cotton seed oil manufacturing company, with a succession of ninety-nine years, and by such name shall be capable to sue and be sued, plead and be impleaded unto; answer and be answered unto, either in law or equity, in any court of competent jurisdiction, and shall have power to make and use a common seal, and the same to alter and renew at pleasure; buy and sell, hold and convey real and personal

estate, necessary to carry out the objects and purposes of this charter, or in the securing or collecting of debts; to make contracts and enforce the same, and to establish and put into full force, such by-laws, rules and regulations as may be necessary and proper to carry into effect the provisions of this act, and shall have all the powers incident to corporations at common law, not inconsistent with the laws of this State; and the company is hereby vested with all the powers, privileges and immunities which are, or may be necessary to carry into effect the purposes and objects of this act; and the said company are hereby authorized and empowered to purchase and hold real estate, necessary to carry on the business of manufacturing oil from cotton seed, and for the erection of the necessary buildings, machinery, steam engines, offices, houses or tenements for the laborers, and out buildings, and to purchase and own shares necessary for the prosecution of the business; the office of the said company to be located at Pine Bluff.

SEC. 2. *Be it further enacted*, That the capital stock of the company shall be fifty thousand dollars (50,000,) with the privilege to increase the same to one hundred thousand dollars (100,000,) at any time by a vote of a majority of the directors; the stock to be divided into shares of one hundred dollars (100) each, and whenever stock to the amount of ten thousand dollars (10,000,) is subscribed for, the company may be organized and legally proceed to business.

SEC. 3. *Be it further enacted*, That the said company are fully authorized, should it be deemed expedient by a majority of the board of directors, to issue bonds bearing interest in sums of not less than two hundred and fifty dollars (250,) to facilitate its business for money that may be loaned, payable such time after date as the said majority of the board of directors may agree upon; *Provided*, The total amount does not exceed the amount of the capital stock subscribed and paid; *And provided further*, That said company shall not have power to issue change tickets, [or] shinplasters, as a circulating medium.

SEC. 4. *Be it further enacted*, That the affairs of said company shall be under the management of a board of directors,

the number of which the by-laws of said company may determine, to be chosen from among the stockholders, who shall hold their offices one year from the date of the organization of said company, or until an election shall have been held to fill their places; in case of death or resignation of any one or more of said board, the place or places may be filled by a majority of the remaining members of said board, and he or they shall hold the office until the next annual election by the stockholders.

SEC. 5. *Be it further enacted*, That said board of directors shall elect one of their number as president, whose official acts shall be binding upon the company, and shall also elect one of their body treasurer of said company, who shall enter into bond to said company, in such sum as said board may require, conditioned to faithfully discharge the duties of his office, and to account for, and pay over all moneys which may come to his hands by virtue of his office; the board shall appoint a secretary and such other officers and agents as they may deem proper and expedient for the management of the affairs of the company.

SEC. 6. *Be it further enacted*, That said company shall have full power and authority, to make through their board of directors, calls or assessments for payments in installments, upon the subscribers to the stock of said company, at any time they may deem necessary, through the treasurer of said company, and in default of payment or payments so ordered, the subscribing stockholder or holders neglecting to make said payment or payments within ten days after such notice has been given, shall pay interest on the amount of the sum assessed, at the rate of ten per cent. per annum, until paid; and the said board of directors are further authorized and empowered, in case any stockholder or his assignee refuse to pay any installment, ordered by the board, for the space of thirty days after notice has been given, the treasurer of said company may advertise the stock subscribed for by the said delinquent, for ten days, and sell the same at auction, and the said stock so sold, shall be transferred to purchaser on the books of the company, without being liable for any further assessment; and the deficiency, if any, for the

amount of the original subscription shall be recovered, (if not otherwise settled,) by action against the original subscriber, or the person to whom the stock may be assigned.

SEC. 7. *Be it further enacted*, That no officer of the company, or board of directors shall contract any liabilities binding on the individual stockholders of the company beyond the amount he or they may subscribe as stock to said company.

SEC. 8. *Be it further enacted*, That the stock of this company shall be exempt from taxation for the first five years after the company goes into operation.

SEC. 9. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

APPROVED, January 1st, 1861.

No. 58.

AN ACT to incorporate the city of Pine Bluff, in Jefferson county, Arkansas.

SECTION

1. Boundary; style of corporation; Liberties and immunities.
- 2 and 3. Election of city officers.
4. Qualifications and disqualifications of city officers.
5. qualifications of city officers.
6. Rules for government of city council, and power thereof.
7. Time of sitting, and duty of constable.
8. Appointment by council of public officers not elected.
9. Vacancy, by death or resignation of any officer, to be filled by city council until next regular election.

SECTION

10. General, moral, financial, benevolent and sanitary city regulations and powers.
11. Manner of appropriation of fines, and restrictions of credit.
12. Powers and duties of mayor.
13. Recorder to act as mayor in his absence, and receive like compensation.
14. Duties of constable. Exclusive and concurrent police powers, and terms of remuneration.
15. Beginning and limit of corporation.

SECTION 1. *Be it enacted by the General Assembly of the State*

of Arkansas, That all the district of country situated in Jefferson county, State of Arkansas, contained within the following limits, to-wit: all that portion of section thirty-two (32), in township five (5), south of range nine (9) west, lying south of the Arkansas river, also all that part of section thirty-one (31), in same township and range aforesaid, which has been surveyed and laid out into town lots by Creed Taylor; also all that part of section thirty-three (33), in the same township and range aforesaid, which has been surveyed or laid out into town lots by Drew White; also the west half of fractional section three (3), and the east half of fractional section four (4), and the north half of the north-west quarter of section ten (10), and the north half of the north-east quarter of section nine (9), in township six (6), south of range nine (9), west of the fifth principal meridian, shall be, and the same is hereby erected, established and made into a corporate city, to be hereafter known and distinguished by the name of the city of Pine Bluff, and the inhabitants of said corporate limits are hereby constituted a body politic, by the name and style of the "Mayor and Aldermen of the City of Pine Bluff," and by that name shall have succession, may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity; may have, hold, purchase, receive, possess and control any property, real, personal, or mixed, within said city, or adjacent thereto, or in the neighborhood thereof, for public schools, markets, squares, streets, alleys, prisons, work houses, poor houses, hospitals, water or gas works, wharves, ferry landings, cemeteries, or for any other public, useful, benevolent purpose whatsoever; and may grant, bargain, sell, lease, rent or otherwise dispose of the same, or any part thereof, for the sole use and benefit of said city, and may do and perform all other acts and things touching the same, as natural persons, and may have and use a common seal; and the same break, alter and renew at pleasure, and the inhabitants of said city shall be exempt from labor, or tax for labor, upon the roads of Jefferson county, Arkansas; and the city council, in addition to the taxing power hereinafter granted, may levy a street tax on each male within said

city between the ages of eighteen and forty-five years, for the purpose of improving and keeping in good condition and repair the streets of said city, as well as any roads leading into said city, for the distance of two miles beyond the corporate limits of said city.

SEC. 2. *Be it further enacted*, That for the preservation of good order and government, and in order to secure and promote the general welfare of the inhabitants of said city, there shall be elected, by the qualified voters residing within the corporate limits of said city, on the 1st Monday of January next, A. D. eighteen hundred and sixty-one, and on the same day in each and every year thereafter, one chief officer, or magistrate, to be styled the mayor, and seven aldermen for said city, who, together, shall form and constitute the city council of said city, and also one constable for said city, and said officers shall continue in office for the term of one year, and until their successors are duly elected, or appointed, and qualified, and shall possess and exercise the power and authority hereinafter conferred.

SEC. 3. *Be it further enacted*, That the said first election for mayor, aldermen and constable of said city, shall be held and conducted at the same place, and in the same manner as now prescribed by the existing laws and ordinances of the town of Pine Bluff, and it shall be the duty of the present aldermen or chief officer in said town, to whom the poll books of said election shall be returned, to examine and compare the same, and certify the result of said election to the governor of this state, who shall issue a commission to each person elected, in due form of law, and every subsequent election of said officers shall be held at the time aforesaid, at such place, and in such manner as the said city council may, by ordinance, prescribe.

SEC. 4. *Be it further enacted*, That no person shall be eligible to the office of mayor, alderman, or constable, of said city, who is a defaulter to said corporation at the time of his election, who is not a citizen of the United States, and of the State of Arkansas, and who is not twenty-five years old, and a free holder of real estate, situate within the corporate limits of said city,

and unless he has been a bona fide resident of said city for at least two years next preceding his election.

SEC. 5. *Be it further enacted*, That no person shall be qualified to vote for mayor, alderman, or constable of said city, at said election, unless he be twenty-one years old, a citizen of the United States, and of the State of Arkansas, and has been a bona fide resident of said city, at least six months next before said election, and is not a defaulter to said city, or corporation, in respect to any taxes, fines, or costs due the same.

SEC. 6. *Be it further enacted*, That any five aldermen of said city shall constitute a quorum for the transaction of business as a city council, and the mayor of said city, whenever personally present, shall always preside and preserve order at the meetings of said city council, and in case of a tie, give the casting vote; but when the mayor is absent from any such meeting; the aldermen present may select one of their number to preside in his place, and discharge his duties, and said mayor, or other presiding officers, shall have ample power to punish all contempts, or disorderly conduct, committed in their immediate presence and hearing, during the sitting of said city council, by reasonable fine or imprisonment, or both, and to the same extent, as judges of the circuit courts of this state have, by the laws of the land, under similar circumstances.

SEC. 7. *Be it further enacted*, That the city council of said city shall meet at least once in every month, and as much oftener as the mayor may require, or the ordinances of said city may prescribe, and it shall be the duty of the constable of said city, or his lawful deputy, to attend said meetings, and perform such duties as may be required of him by said council, or the presiding officer thereof.

SEC. 8. *Be it further enacted*, That the said city council shall have full power and authority to appoint a clerk and recorder, treasurer, assessor, and collector, wharf master, street commissioner, market inspector, sexton, patrols, night watch, or other necessary public officers of said city, (not otherwise elected); to define and prescribe their respective duties, and to take such bonds, in such sums, with sufficient securities, and with such

conditions for the faithful performance of said duties, as said council may require and approve, also to dispense with said offices, or either, or any of them, and to dismiss or remove all or any of said officers at pleasure, and also to regulate the compensation of said officers, and provide for the payment of the same for any services rendered in discharge of duty.

SEC. 9. *Be it further enacted*, That said city council shall also have full power and authority to fill all vacancies in the office of mayor, alderman and constable in said city, occasioned by death, removal, resignation, or otherwise, by appointment, and the person so appointed, and accepting the same, shall hold said office until the next regular election, and until his successor in office shall be duly elected and qualified; *Provided*, That no person shall be appointed to fill any such vacancy who is not eligible to said office, and possesses the requisite qualifications to hold the same, if duly elected thereto.

SEC. 10. *Be it further enacted*, That the said city council of said city, shall have full power and authority, to pass, enact and enforce all laws and ordinances, which they may deem necessary and expedient. First, to preserve the health of said city, and for that purpose their jurisdiction may extend two miles in all directions, beyond the corporate limits of said city, within which quarantine, or other sanatory regulations may be established and enforced, so as to prohibit and prevent the introduction of all contagious and infectious diseases, or epidemics, into said city. Second, to prevent, define and remove nuisance. Third, to establish a regular police system, appoint patrols and night watches, and prescribe their duties, to arrest, try and punish all vagrants found in said city, to provide for the punishment of all slaves for violating the laws and ordinances of said city, passed in relation to them, to establish work-houses and houses of correction, to suppress all houses of ill-fame, to regulate the storing and keeping of gun-powder, and all other combustible articles and materials, and the use of fires, lights, stove-pipes, flue and chimneys, in said city; to define and designate fire limits within which wooden buildings shall not be erected; to define, restrain and punish all persons guilty of drunkenness, obscenity, cursing and swearing, carry-

ing concealed weapons, disturbing religious worship, or other public meetings; firing guns or pistols, fast riding or driving, harboring runaways, or tampering with slaves, selling or giving liquors to slaves, or trading with them, fighting, affrays, and all boisterous and disorderly conduct, and every other vice or immorality connected [committed] in said city, in violation of its ordinances; to prohibit the erection of buildings, dangerous to other buildings already erected, and to remove buildings dangerous or hazardous to other property, by paying the owner the cash value thereof; Fourth, to survey, lay off, and open streets, alleys, sidewalks, or other public highways, and public squares, and the same to ditch, drain, bridge, grade, pave, widen and extend, contract or shorten, or close up and discontinue, repair, improve, beautify, adorn and preserve, as said city council may think proper, and also to compel the proprietors of real estate, in said city, to pave and set out shade trees along the sidewalks, in front of their lots, at their own cost and expense; *Provided*, That no street in said city, running north and south, shall be made less than sixty feet wide, and those running east and west, less than seventy-five feet wide, including sidewalks, which shall not be less than ten feet wide on each side of said streets, and no alley in said city shall be made less than twelve feet wide, and said alleys shall always run east and west, through the centre of the block, and in no case shall private property be taken for public purposes, without just compensation to the owner thereof; said city council may also dig wells and cisterns, and fix pumps and hydrants, on said streets and public squares, for public uses and purposes. Fifth, to provide for the erection of all buildings necessary for the use of said city council; also, to build and regulate hospitals; asylums, poor-houses, work-houses, market-houses, city prisons, powder magazines, city halls, and such other public buildings as the said city council may think proper to erect within said city. Sixth, to preserve and improve the public landing in said city, fix the rate of wharfrage, and regulate the anchoring and mooring of steam, flat, and other boats, at said landings, to establish a system of common schools, free from sectarian control and

influences; to establish gas works, and provide for the lighting of said city with gas or oil lamps, or burners; to establish and organize sufficient fire departments, and provide for and regulate fire, hook and ladder companies, in said city; to establish markets, and regulate the inspection, weighing and admeasurements of all provisions, food, provender, fuel, etc., for man and beast, offered for sale in said city, and to provide for the gauging and inspection of all liquors offered for sale in said city; and to prohibit the importation, manufacture or sale, except for mechanical or chemical purposes, of all mean, adulterated or poisonous liquors, whether alcoholic, vinous or malt, or their compounds, within said city. To provide and regulate public cemeteries out side of the corporate limits of said city, and prohibit the burial of the dead within said city. Seventh, to levy and collect, for the purpose of defraying the ordinary expenses of said city government, an advalorem tax of not more than one fourth of one per cent. on the assessed value of all property in said city, subject to taxation by the laws of this state, in each and every year. Eighth, and *exclusively* to license and regulate, within said city, all negro traders, livery stables, auctions, coffee houses, restaurants, tippling houses, confectionary houses, brokers, peddlers, shows, circuses, theatres and all other public exhibitions in said city, also all drays, carts, wagons, hacks and omnibuses or other vehicles; and all taverns, ball alleys, billiard saloons and groceries, in said city; *provided always*, That no grocery license shall be issued or granted to any person, unless he first pay into the treasury of said city the amount of the license which may be fixed by said city council, at any sum not exceeding the sum of three hundred dollars for the exercise of such privilege for the term of one year, or at that rate for every shorter period, and present and file the written petition of a majority of the qualified voters of said city, in favor of granting such grocery license to such applicant, and said city council shall have the power and authority, in all cases to define, regulate, prohibit the exercise of any license privilege under such penalty and fines as they may ordain; and also to revoke and set aside any license granted

by them at any time before the same expires, for any violation of the laws and ordinances of said city regulating the same. Ninth, and in addition to the powers herein enumerated, said city council may pass and enforce such other laws and ordinances as they may deem expedient, and are not contrary to the constitution and laws of this state.

SEC. 11. *Be it further enacted*, That no punishment shall be prescribed by ordinance, or assessed by the mayor of said city, amounting to more than one hundred dollars fine, and thirty days' imprisonment in any case, and all fines, licenses and taxes collected in said city, by virtue of its corporate powers and authority, shall be paid into the city treasury, for the use and benefit of said city, and the same shall not be paid out or expended, except by the order of the city council, and on the warrant of the mayor of said city, nor shall the corporate authorities of said city ever emit bills of credit, post notes, change tickets, or shin-plasters as a circulating medium, or for any purpose whatever.

SEC. 12. *Be it further enacted*, That the mayor of said city shall be a conservator of the peace therein, and shall have and exercise in said city the same jurisdiction, powers and duties as a justice of the peace in all civil and criminal cases, by virtue of the constitution and laws of this state, and in hearing, trying and determining all civil or criminal causes pending before him, said mayor shall be governed by the same rules of practice as the statutes of this state have prescribed, or may hereafter provide for justices of the peace, in all proceedings of a similar nature. But said mayor shall hear, try and determine summarily and without delay all violations of the laws and ordinances of said city, and assess the punishment therefor, by fine and imprisonment, or either, as he may deem right and just in the premises, and not contrary to law, and in the event that any offender shall be unable, or refuse to pay the fine and costs assessed against him, or the expenses of his imprisonment, then said mayor may, if he thinks proper, commute said punishment to hard labor on the streets, cemeteries, public squares, or other public improvements in said city, for such length of time

and on such terms as said mayor may deem reasonable; and said mayor shall also have full power and authority to take depositions of witnesses in writing, to take acknowledgments of deeds, powers of attorney, or other instruments of writing; to enter protest for non-acceptance or non-payment of all drafts, checks, bills of exchange, promissory notes, or other commercial paper, and certify the same, in due form, under his official seal, according to law; and it shall be the duty of said mayor to keep and preserve a true, complete and faithful record of his official proceedings, subject to free public inspection at all times, and grant copies thereof, or any part thereof, on demand, and on payment of the usual fees therefor; and said record shall be delivered by said mayor over to his successor in office, and the mayor of said city, for all official services rendered, shall be entitled to such fees as may be prescribed by the statutes of this state for similar services, and as the city council may provide.)

SEC. 13. *Be it further enacted*, That whenever the mayor is absent from said city, or is sick, or neglects to perform his official duties, or his office is vacant, it shall be the duty of the clerk and recorder of said city council, to act as mayor *pro tempore*, and in such capacity to have, try and determine all offences committed against the laws and ordinances of said city, and assess and enforce the punishment therefor, in the same manner and to the same extent as if done by the mayor himself, and shall receive the same pay as the mayor is entitled to for similar services.

SEC. 14. *Be it further enacted*, That the constable of said city, shall have the same power and authority, and perform the same duties within the corporate limits of said city as township constables have and are required to perform by the laws of this state, within their respective townships, and in addition thereto said city constable shall also execute all orders or process, whether original, mesne, or final, issued and directed to him by the mayor or city council of said city, and may serve the same any where in Jefferson county, Arkansas, and shall perform all

other duties and services required of him by the laws and ordinances of said city, or enjoined on him by the order and direction of said city council, and shall receive for his services such fees as the statutes of this state prescribe for similar services, or as the said council may ordain and provide, and said constable may appoint one or more deputies of like qualifications with himself, to be approved of by the city council, and such appointment and approval shall be entered on the record of said city council,) and the city constable shall, before entering on the discharge of his official duties, execute and file his official bond in such sum, with such security and conditions as the city council may require and approve of, and all official bonds of any officer of said city, shall be executed and made payable to the mayor and aldermen of the city of Pine Bluff.)

SEC. 15. *Be it further enacted*, That this act take effect from and after its passage, and remain in force for the space of ninety-nine years, and that all laws or parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed; *Provided*, That the present aldermen and councilmen, and constable and other officers of the town of Pine Bluff, may continue in said offices until their successors, provided for in this act are duly elected and qualified, and the present laws and ordinances of the said town of Pine Bluff, shall continue in full virtue, and be enforced until the same or any part thereof may be repealed by the city council, provided for in this act, and this act shall be taken and considered as a public act.

APPROVED, January 1st, 1861.

No. 59.

AN ACT for the incorporation of the City of Augusta.

SECTION

1. Limits of the city of Augusta defined, and the territory and people incorporated by the name of the "City of Augusta," and corporate powers granted.
2. The corporate powers to be vested in certain officers.
3. Terms of the officers.
4. Eligibility to office.
5. Elections, how held, and provisions in case of failure to hold an election.
6. Council to prescribe mode of holding elections.
7. Duties of judges and clerks of first election.
8. Council to appoint certain officers, and regulate their fees.
9. Mayor to be commissioned, and hold office for two years; city constable to be ex-officio assessor, and to give bond.
10. Recorder and treasurer appointed, and to give bonds.
11. Powers and duties of the common council.
12. Compensation of members.
13. Style of ordinances, and to be approved by mayor.
14. Further powers granted to the council.
15. Council may sell property for non-payment of taxes and fines.
16. Appoint a street commissioner.

SECTION

17. Provide for paving side-walks.
18. Money arising from fines, licenses, etc., to enure to city.
19. Licenses to be within the exclusive grant of the city.
20. The executive power vested in the mayor, and his duties.
21. Judicial powers vested in the corporation court, and the powers of the court defined.
22. Shall grant appeals to circuit court when the judgment and costs exceed ten dollars.
23. Mayor empowered to issue writs.
24. Court, when and where to be held.
25. Vacancy in the office of mayor, how filled.
26. Officers of the city to be sworn.
27. Council to provide a jail, or use county jail.
28. Duties of the recorder.
29. Duties and powers of city constable.
30. How suits brought against the city.
31. Citizens exempted from labor on roads, but liable to work on the streets of the city.
32. In the absence of the mayor, one of the aldermen to act in his place.
33. This act declared a public one.
34. All laws or parts of laws conflicting with the provisions of this act, repealed. This act in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That the district of country lying within the following limits, to-wit: Beginning where the half mile line, running east and west, dividing section thirty-six (36), strikes White river, thence due east in said line to the range line between townships three (3) and four (4); thence north in said range line to*

the half mile corner on the east side or boundary of section twenty-five (25); thence due west, on said half mile line, through section twenty-five (25), until it strikes the slough east of White river, and thence down the bank of said slough to White river, at low water mark, and down the bank of said river, at low water mark, to the place of beginning; which tract of land, above described, all lies within the township numbered eight (8), north of range four (4), west of the fifth (5) principal meridian, and includes the present town of Augusta, situated in the county of Jackson, in the State of Arkansas; and the inhabitants thereof shall be, and are, hereby created, established and constituted a body politic and corporate, by the name and style of the "City of Augusta," and by that name shall be known in law and equity, have a succession of ninety-nine years, sue and be sued, plead and be impleaded, in all courts of law and equity, having competent jurisdiction, in all actions and matters whatsoever; may receive, purchase and hold property, real, personal and mixed, within the limits of said city, or adjacent thereto, not exceeding in value the sum of one million of dollars, and may lease, sell, dispose of, and convey the same, for the benefit of said city; may have a common seal, and alter or change the same at pleasure, and may do all other acts pertaining to a body corporate, that an individual might lawfully do.

SEC. 2. The corporate powers and duties of said city shall vest in, and be coerced by, a mayor, seven aldermen, and one city constable, who shall be elected as hereinafter provided, and such other officers, as are hereinafter provided for.

SEC. 3. All officers of said city, made elective by this act, shall be elected by the legally qualified voters of said city, and shall hold their offices for the respective terms hereinafter specified, and until their successors shall be duly elected and qualified.

SEC. 4. No person shall be ligible to any office of said city, made elective by this act, who has not resided within the limits of said city for six months next preceding his election, and who shall not possess the legal qualifications of a voter.

SEC. 5. There shall be an election held in said city on the first Tuesday in March, A. D. eighteen hundred and sixty-one, and annually thereafter, for the election of city officers; and if, for any cause, such election shall not take place on the day appointed for such annual election, an election may be ordered by the common council, at such time as they may appoint, which election shall be in all respects as legal as though it had been held on the day appointed in this act; and if a failure should occur to hold the first election provided for in this act, it shall then be lawful for any six householders, within the limits of said city, to call an election for said city officers under this charter, at such time and place as they may appoint, giving ten days' notice thereof, by written notices, to be put up in five public places within said limits, or by publication in any newspaper published in said city.

SEC. 6. The common council shall have power to prescribe the mode of holding all city elections, and to appoint the judges thereof; *Provided*, That the first election under this act shall be held in accordance with the general laws of this state regulating elections, and the electors present may select the judges and clerks of said election from their own number, who shall certify said election, and file the poll-books thereof, with the common council, after the organization thereof.

SEC. 7. The judges and clerks, after the first city election, shall, within five days thereafter, and the city recorder shall, within five days after every subsequent election, forward to the secretary of the State of Arkansas, an abstract of all the votes polled for mayor; and the judges and clerks of the first election held under this act, shall also within five days, file with the clerk of the circuit court of Jackson county, an abstract of all the votes polled, and said clerk shall deliver to each of the aldermen elect, a certificate of his election, and, in subsequent elections, said certificate shall be made out and delivered by the mayor.

SEC. 8. The common council shall appoint all officers, named in this act, not made elective, and shall have power to create and constitute such other offices and agencies, not established

by this act, as may be necessary for the full exercise and enjoyment of the corporate franchises herein conferred, and the powers herein delegated, to define, and fix the fees and emoluments thereof, to appoint persons to fill such offices and agencies, and to remove them at pleasure.

SEC. 9. The mayor shall hold his office for the term of two years, and be commissioned by the governor of the state; the aldermen shall hold their office for one year; the city constable shall hold his office one year, and shall be ex-officio assessor and collector, and shall, before entering upon the duties of his office, give bond to the city, with sufficient security, to be approved by the mayor, conditioned for the faithful discharge of his duties as constable and collector.

SEC. 10. There shall be appointed, as above provided, a recorder and a treasurer, whose terms of office shall be one year, subject to removal, whose duties may be prescribed by ordinance; and who, before entering upon the duties of their respective offices, shall give bond to the city, with securities, to be approved of by the mayor, conditioned for the faithful performance of their duties in their respective offices.

SEC. 11. The legislative powers granted by this act shall be vested in and exercised by the common council, which shall be composed of the aldermen of the said city; which council shall convene, and hold its sessions, at least twice in each year, at such times and place as shall be prescribed by ordinance. The common council shall choose their president, and other officers, shall judge of the elective qualifications, and returns of its own members, and a majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of members, in such manner, and under such penalties as it may provide, and may also determine the rule of its own proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds, expel a member; it shall keep a journal of its proceedings, and the yeas and nays of the members, on any question, shall, at the desire of any two members, be entered upon the journal.

SEC. 12. The compensation of the members of the council shall be fixed by ordinance, to be paid out of the treasury.

SEC. 13. The style of all city ordinances shall be, "*Be it Ordained by the Common Council of the City of Augusta,*" and all ordinances passed by the council, shall be submitted to the mayor for his signature; if he shall refuse to sign the same, it shall not go into effect, unless he shall return the same to the common council, with his objections in writing, five days after the receipt thereof, and the same shall again be passed, by the concurrence of two-thirds of all the members of said council; or in case he shall so fail to return the same within the said five days after the receipt thereof; in either event, the same shall go into effect, and be as effectual, in every respect, as though it had been signed by said mayor.

SEC. 14. The following powers, with full authority to provide means to carry the same into effect, are hereby granted to the common council; first, to levy and collect taxes on all property, real, personal, or mixed, within the limits of said city, not exceeding one-fourth of one per cent. per annum, on the assessed value thereof; *Provided*, That no tax shall be levied on any church or school property, or scientific apparatus, or county buildings in said city, or upon any real estate, within the limits of said city, not occupied as a residence, or laid off in town lots; second, to make all needful regulations to prevent the introduction of contagious diseases; to make provision to secure the general health of the city, and to prevent, and remove nuisances, and for this purpose, the jurisdiction of said city or common council, shall extend beyond the limits of said city for the distance of one mile, in all directions; third, to establish and regulate night watches and patrols; to make provisions for lighting the streets by lamps, or otherwise; to provide wells, and other water works, for the convenience and safety of said city; to provide for the prevention and extinguishment of fire; to establish fire companies; to regulate the storage of all inflammable or combustible materials, or to prevent the firing of guns, or other explosive compounds, within the limits of said city; fourth, to license and regulate taverns, groceries, billiard

tables, ten-pin alleys, dram shops, auctions, hawkers, and peddlers, shows, circuses, theatrical performances, and all other exhibitions which may be exhibited for profit, within the limits of said city, and to restrain and prevent tippling houses, gaming houses, and all other indecent, or disorderly houses, within the limits of said city, and to have full power to suppress vice, and promote good order and morality within the limits of said city; fifth, to open, pave, grade, or otherwise improve, or repair streets, avenues, alleys, side walks, drains and ravines; to establish and regulate markets, and to erect all needful buildings for the use of said city, and to inclose, improve, and regulate all public grounds belonging to said city; sixth, to prevent or suppress all riotous or disorderly conduct within the limits of said city, by ordinance, imposing fine or imprisonment, if need be, upon all those engaging in such, and to pass all such ordinances, not inconsistent with the public laws of this State, as may be best calculated to preserve the quiet and peace of said city, and protect the inhabitants thereof, in person and property; seventh, the common council shall have legal power to pass all ordinances, by-laws, and edicts, which may be necessary or conducive to the full and effectual exercise of all the powers herein granted, and such other, and further powers, for the establishment of a vigilant and complete government and police within the limits of said city, not in conflict with, or repugnant to the public laws of this state; *Provided*, That no ordinance thereof shall impose any fine exceeding one hundred dollars, or imprisonment for a greater time than one month, and to receive the collection of fines imposed, the said council shall have power to require, by ordinance, the party fined, to labor upon the streets of said city, at the rate per diem, as by such ordinance, may be declared.

SEC. 15. The common council shall have power to provide by ordinance for the collection of taxes, and to this end, may require the sale of property, whether real, personal or mixed, and may provide for the redemption thereof; *Provided*, That no ordinance shall be passed, authorizing such sale for taxes, unless due notice

of such sale shall be given by advertisements in five public places in said city.

SEC. 16. The common council shall have power to appoint a street commissioner, who shall hold his office for one year, and whose duties shall be prescribed by ordinance.

SEC. 17. The common council shall have power, in addition to raising revenue by taxation, to provide for the pavement of sidewalks by the owners of property adjoining the same, and if such owners shall refuse to comply with such requisition, then the said council may have such work done, and demand payment therefor from the said owner of such property, and in case of a refusal to pay the cost of such labor, shall be a lien upon said property, and the same may be enforced under such regulations as said council may ordain.

SEC. 18. All fines, penalties, forfeitures and moneys arising from licenses accruing under this act, and all fines for offences within the jurisdiction of said city, shall enure to the benefit of said city, and may be appropriated by the common council, for the benefit thereof, under such regulations as said council may ordain.

SEC. 19. All licenses for privileges to be exercised within the limits of said city, as provided for in this act, shall hereafter be within the exclusive grant or jurisdiction of the said common council, and shall not be issued to any person, for any such purpose, by the county court of Jackson county, and the said county shall not be liable for any cost or expenses incurred by the proceedings of said city, under the provisions of this act, with respect to such exclusive jurisdiction.

SEC. 20. All the executive powers granted by this act shall be vested in, and exercised by the mayor, who shall receive such compensation for his services as may be prescribed by ordinance of said common council, but in no case shall said compensation be increased or diminished during the said mayor's term of office, and said compensation shall be paid out of the city treasury; second, he shall, from time to time, give to the common council such information, and recommend to their consideration, such measures as he may deem expedient, and may,

at any time, require information, in writing, from the recorder and treasurer, on any subject relating to the duties of their respective offices; third, he may, by written notice, or by publication in a city newspaper, convene the common council, whenever, in his opinion, the interests of the city may require the same, and may adjourn that body from day to day, until the business for which they were convened, shall be transacted; fourth, he shall see that the ordinances of the said city, and the laws of the state, so far as the administration of the same are within his jurisdiction, are faithfully executed; fifth, he shall have power to fine for contempt, to remit fines, and to set aside forfeitures under such rules and regulations as may be prescribed by ordinance; sixth, he shall keep the seal of the corporation, and use the same officially, when the same is required to be used; he shall have power to administer oaths, take depositions and acknowledgment of deeds, mortgages, and all other instruments of writing, effecting the title of lands, and other property, or in any matter of contract, or agreement, and to certify the same under the seal of said city, which shall be received as good and valid throughout the State of Arkansas.

SEC. 21. All the judicial powers of this act shall be vested in, and exercised by one corporation court, which shall be styled the "mayor's court," and the same shall be composed of the mayor, who is hereby declared to be the principal judicial officer of said city, and the said mayor's court shall have power to hear and determine, and shall have concurrent jurisdiction with justices of the peace, of all civil matters whatsoever, and in the exercise of such jurisdiction, shall proceed in the same manner, and in all things, be governed by the same rules of proceeding that shall be, at the time, in force, regulating and governing justices of the peace, and shall also have power to set as an examining court, for breaches of public law, and shall have the same powers, and be governed by the same rules and regulations which are applicable to justices of the peace in such cases, and shall also have exclusive original jurisdiction of all offences against the ordinances of said city, and in the exercise of said jurisdiction, shall be governed by the laws

applicable to justices of the peace, so far as they are applicable, and the ordinances of said city common council.

SEC. 22. The said mayor shall grant appeals from his court, to the circuit court of Jackson county, in all cases, when prayed for, where the amount of the judgment, including costs, exceeds ten dollars, and in allowing said appeals, shall be governed by the law regulating justices of the peace.

SEC. 23. The mayor shall have power to issue writs necessary and proper to carry into effect the powers conferred upon him by this acc, and all writs shall run in the name of the State of Arkansas, be under the seal of the corporation, and be signed by the mayor.

SEC. 24. The mayor's court shall be held at least four times in each year, and as much oftener as the said city council shall ordain, and at such places within the limits of said city as may be fixed by ordinance.

SEC. 25. Whenever a vacancy shall occur in the office of mayor, from any cause, the recorder shall immediately appoint a day for an election to be held to fill such vacancy, and shall give five days' notice thereof, by written advertisements, set up in five public places in said city, stating the time and place where such election shall be held, which election shall be governed by the same regulations as are applicable to the general election for city officers, within and for the said city.

SEC. 26. The mayor, aldermen, recorder and constable, before entering upon the duties of their respective offices, shall take and subscribe an oath, to support the constitution of the United States, and of the State of Arkansas, and faithfully to demean themselves in office, which oath may be administered by the mayor, or any judge, or justice of the peace for Jackson county,

SEC. 27. The common council shall provide a suitable jail for said city, but until said jail shall be built, it shall be legal to use the common jail of the county of Jackson, for the purposes of said city, by the consent of said county court.

SEC. 28. The recorder shall keep a fair and accurate record of all the proceedings of the common council, which shall be

open for the inspection of all persons, at all reasonable times, and shall keep in his office all records and public documents belonging to said city, and shall perform such other duties as may be prescribed by ordinance.

SEC. 29. The city constable shall be the ministerial officer of said city, and of the mayor's court, and as such, shall have power to do, and perform all acts necessary to carry into effect the objects of this act, and the ordinances of said city; he shall have power to execute and return all process issued by the mayor; he may serve criminal process, or warrants and subpoenas issued by the mayor, for offences committed in the city, or in part of the county, and to do all other acts and things which may be necessary in the full execution of his duty as such officer.

SEC. 30. All suits by, or against the corporation, shall be in the name of "The City of Augusta," and all process against the same shall be served on the mayor, and in case there shall be no mayor, then within the limits of said city, the same may be served on the recorder of said city.

SEC. 31. The inhabitants of said city shall be exempt from labor, or tax for labor upon the roads of Jackson county, but persons residing within the limits of said city, liable, by law, to work the public roads, may be required, by ordinance, to work the streets and roads within the corporation limits of said city, and the said corporation shall be responsible to the county for the good condition of such roads as are within its limits; *Provided*, That no one within said limits shall be required, by ordinance, to work more than six days upon said streets and roads within any one year, or pay, instead of labor, such sum as may be ordained by said council.

SEC. 32. In the absence of the mayor, or during any vacancy in the office of mayor, it shall be lawful for any member of the common council, chosen for the purpose, by ordinance, to exercise all the functions hereby conferred upon such mayor, during such absence or vacancy.

SEC. 33. This act is hereby declared to be a public act, and

shall be so regarded and received in all the courts of this state, without being specially pleaded or proven.

SEC. 34. That all laws, or parts of laws, conflicting with the provisions of this act, be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

APPROVED, January 1st, 1861.

No. 60.

AN ACT to incorporate the *Helena and Trenton Horse Railroad Company*.

SECTION

1. Certain named persons incorporated by the name of the "Helena and Trenton Horse Railroad Company." General powers and privileges of corporators.
2. When \$15,000 subscribed, company may organize.

SECTION

3. Government of the affairs of company vested in nine directors, to be chosen by the stockholders.
4. Powers of the directors.
5. To fix the rates of charges and receive toll.
6. Act in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That A. W. Johnson, James Smiser, J. W. Rice, R. W. Rightor, Warren Smiser, H. P. Coolidge, J. M. Lamb and James Scaife, are constituted a body politic and corporate by the name of "Helena and Trenton Horse Railroad Company," and by that name to sue and be sued, to make and have a common seal; and said corporation is hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act; and said company is hereby empowered to locate, contract and complete a railroad from Helena to some suitable point at

or near Trenton, in Phillips county, to transport property and persons upon said road, by horse or steam power, and are hereby authorized to lay out their road, not exceeding seventy-five feet wide, and for the purpose of depots, for turn-outs, and to make any contract with any other railroad company.

SEC. 2. *Be it further enacted*, That the persons named in the first section shall open books, to receive subscription of stock, at such times and places as they may appoint, and when the sum of fifteen thousand dollars shall be subscribed, the company may organize and commence work.

SEC. 3. *Be it further enacted*, That the government and directors of affairs of said company shall be vested in nine directors, who shall be chosen by the stockholders of said company.

SEC. 4. *Be it further enacted*, That the directors shall have power to make such by-laws, rules and regulations as they may deem needful, to transfer shares, and all matters whatsoever, which may appertain to the concerns of said company.

SEC. 5. *Be it further enacted*, That it shall be lawful for the company, hereby incorporated to fix, regulate and receive toll and charges, by them to be received for transportation of persons or property on their railroad.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after its passage, for the period of ninety-nine years.

APPROVED, January 1st, 1861.

No. 61.

AN ACT to incorporate the Washington county Agricultural and Mechanical Society, into a joint stock company.

SECTION

1. An act to incorporate the Washington county agricultural and mechanical society, repealed.
2. Certain named persons incorporated by the name and style of "The Washington county Agricultural and Mechanical joint stock company," for 99 years; certain powers of company.
3. Further powers of the company.

SECTION

4. Capable of holding gifts, grants, bequests, etc.
5. To adopt and be governed by constitution of agricultural and mechanical society of Washington county; may amend same.
6. Certain named grounds transferred to company.
7. This act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the act passed at the General Assembly of the State of Arkansas, at the session of eighteen hundred and fifty-six, and eighteen hundred and fifty seven, entitled an act to incorporate the Washington county agricultural and mechanical society, in Washington county, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That T. B. Van Horne, W. T. Neal, Arthur Crawford, B. F. Boone, Richard H. Bean, P. P. Vanhoose, David Walker, Isaac Taylor, Z. C. Hughes, J. P. A. Parks, J. M. Tuttle, J. Perry Parks, A. J. Smith, W. L. Wilson, J. L. Dickson, W. R. Cunningham, W. H. Holcomb, William Job, H. Appleby, W. D. Regan, W. H. Cardwell, L. Boone and Andrew Gregg, be, and they are hereby declared a body politic and corporate, by the name and style of "The Washington county agricultural and mechanical joint stock company," in the county of Washington; and by that name shall have a succession for ninety-nine years, of officers and members, and a common seal, with power to alter or amend the same as often as said corporation may judge expedient.

SEC. 3. *Be it further enacted*, That the said corporation shall be able and capable in law to purchase, hold and enjoy, and retain to itself for any term of years, any lands, tenements or

hereditaments, of what kind or nature soever, and to sell, exchange or lease the same, or any part thereof; as the said corporation may think proper; and by the said name may sue and be sued, plead and be impleaded, in any court of law or equity, in this State; and the said corporation shall have power to make such rules and by-laws, not in conflict with the constitution and laws of this State, as may be deemed necessary for the government thereof.

SEC. 4. *Be it further enacted*, That said corporation shall be capable in law to have, hold and receive, possess and enjoy, all such estates, real and personal, moneys, goods, chattels and effects, which may be granted, devised or bequeathed, by whatsoever name such gift, grant, devise or bequeath, shall be made; and to receive subscriptions, and to appropriate the same to the benefit of said company, in such a manner as may be determined by the same.

SEC. 5. *Be it further enacted*, That said company shall adopt and be governed by the constitution heretofore governing the agricultural and mechanical society of said county, with power to alter or amend the same by a two-third vote of said company.

SEC. 6. *Be it further enacted*, That the fair grounds belonging to the Washington county agricultural and mechanical society, are hereby transferred to the Washington county agricultural and mechanical joint stock company, as fully and effectually as though the same had been originally ceded to said company.

SEC. 7. *Be it further enacted*, That no [new] members may be added to said company by a two-third vote; and upon the payment of such a sum as may be required by the voters of said company; and this act take effect and be in force from and after its passage.

APPROVED, January 3d, 1861.

No. 62.

AN ACT to amend the 8th section of an act approved 12th February, 1859, entitled "an act to remove the free negroes and mulattoes from this State."

SECTION

1. Free negroes or mulattoes may choose master or mistress; circuit court to render judgment upon written consent; judgment, evidence of title; negro or mulatto to be held as slaves.
2. Master or mistress to take children of free negroes, etc.; terms.

SECTION

3. Duty of the circuit court; master or mistress to give bond; its conditions.
4. Further duty of circuit court.
5. Conflicting laws repealed; act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That hereafter when any free negro or mulatto, who may wish to reside in this State, may choose, either before or after arrest, a master or mistress, and upon such free negro or mulatto appearing in open court in any of the circuit courts of this State, the said court may, upon the written consent of whosoever may be selected as master or mistress, render judgment that such free negro or mulatto shall be the property of such master or mistress, which judgment shall be evidence of title to said negro or mulatto; in any court of law or equity in this State, and such negro or mulatto shall be held by such master or mistress in the same manner as slaves are held in this State.

SEC. 2. *Be it further enacted,* That such master or mistress shall be required to take the minor child or children of such free negro or mulatto, upon the same terms as are required of the purchaser of free negroes or mulattoes by section four of said act.

SEC. 3. *Be it further enacted,* That hereafter it shall be the duty of the circuit courts of this State, before entering judgment of title as required by section one of this act, to require the master or mistress of said negro or mulatto, to enter into a good and sufficient bond to the State of Arkansas, with two

good securities, in at least the value of said negro or mulatto, conditioned that said master or mistress, will not permit said negro or mulatto, to act for him or herself, or as a free person, or permit said negro or mulatto to hire his or her time, or to be the owner of any stock, and that said negro or mulatto shall be subject to all laws that now govern slaves.

SEC. 4. *Be it further enacted*, That it shall be the duty of said court, when said master or mistress files the bond as required by this act, to render judgment of title to said negro or mulatto, without the said master or mistress paying one-half the value of said negro or mulatto, into the treasury, as is now required by section eight of said act, for which this is an amendment.

SEC. 5. *Be it further enacted*, That all laws or parts of laws in conflict with this act, be, and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

APPROVED, January 3d, 1861.

No. 63.

AN ACT to encourage Internal Improvements.

SECTION

1. \$100,000 appropriated; conditions for company to comply with.

SECTION

2. Act in force from its passage.

WHEREAS, The Memphis and Little Rock railroad has nearly graded, bridged and prepared for the rails, that division of said road from White river to the Arkansas river, and have purchased the iron necessary to lay down upon said road; and whereas, This most important enterprise for the State of Arkansas, is now in most imminent danger of suspension, and being

struck down, just at this most critical juncture, with success almost within its grasp, for the want of means to pay the duty on the iron, and placing the same on the track; *and whereas*, The present alarming state of the country, imperatively demands that the capital of our State be placed in connection with the States east of us by the most rapid communication; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the sum of one hundred thousand dollars be appropriated out of the five per cent. fund and loaned to said company for ten years, at eight per cent. interest, payable annually, secured by mortgage on said road, and the rolling stock of said company belonging to said road; *Provided*, That said company shall guarantee in a penal bond, with a forfeiture of fifty thousand dollars, that they will finish the aforesaid division from White river to the Arkansas river, within twelve months from the payment of this appropriation.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

APPROVED, January 3d, 1861.

No. 64.

AN ACT to aid the citizens of Mountain township in the county of Washington and State of Arkansas, in suppressing the sale of spirituous and vinous liquors in said township.

SECTION

1. Election to be held second Monday in February, 1860, to for or against sale of liquor in Mountain township.
2. Sheriff to give notice of election. To be held by judges of general election. Returns made to clerk. His duty. Duty of constable.
3. Penalty for violation of act.

SECTION

4. Duty of the county court.
5. Duty of persons appointed to sell liquors for certain purposes.
6. Vote to be taken every two years.
7. Provisions applicable to Franklin township. Act in force after second Monday in February, 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That there shall be an election held at the precinct in Mountain township, in the county of Washington, in the State of Arkansas, on the second Monday in February, A. D. eighteen hundred and sixty-one, for the purpose of ascertaining the sense of the legal voters of said township, touching the sale of spirituous and vinous liquors in said township, whether the same shall be sold in said township in any quantity whatever, or not; the vote to be taken by ballot with the words indorsed thereon, sale, or no sale.

SEC. 2. *Be it further enacted,* That the sheriff of said county shall give notice of said election in the same manner that he is now required in general elections, and the judges of the general election shall proceed to hold said election in the manner now prescribed by law, and make due returns to the clerk of the county, who shall proceed to count the votes as in other elections, and make out a transcript of the result of said election, and immediately transmit the same to the constable of said township, and if the result of the election be in form of no sale, then the constable of said township so voting shall give notice in writing, to each dealer and trader in spiritous and vinous liquors in his said township, that he must desist from selling within five days after said notice is given.

SEC. 3. *Be it further enacted,* That any person, who, after said notice, shall proceed to sell in violation of the provisions of this act, or any other person who shall sell said liquors, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, subject to indictment, and on conviction thereof shall forfeit and pay, for the use of common schools, the sum of twenty-five dollars for each separate offence so committed.

SEC. 4. *Be it further enacted,* That the county court, at the first session after said election, and at the first session after all other elections for said purpose, or the judge thereof, in vacation, shall appoint some prudent and responsible person, who shall keep said liquors for sale for medicinal purposes only, and not to be sold by said person for any other purpose whatever.

SEC. 5. *Be it further enacted,* That any person so appointed

by the county court, or by the judge thereof, in vacation, to sell said liquors for medicinal purposes, who shall proceed to sell the same for any other purpose than herein specified shall be deemed guilty of a misdemeanor, subject to indictment, and on conviction thereof shall forfeit and pay for the use of common schools, the sum of fifty dollars for each separate offence so committed.

SEC. 6. *Be it further enacted*, That at every general election after the second Monday in February, A. D. eighteen hundred and sixty-one, the vote shall be taken as above prescribed, in the township of Mountain, for the purpose of further testing the wish of the voters of said township, in regard to the sale of the liquors above named.

SEC. 7. *Be it further enacted*, That the provisions of this act, shall be, in all respects, applicable to the township of Franklin, in Calhoun county, and that this act take effect and be in force from and after the second Monday in February, A. D. eighteen hundred and sixty-one.

APPROVED, January 3d, 1861.

No. 65.

AN ACT *prohibiting the sale of spirituous or vinous liquors, in the country embracing and lying immediately adjacent to the Renton Mule and Female Academy, in Saline county.*

SECTION

1. Persons prohibited from selling
liquors within certain territory.

SECTION

2. Penalty.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That, from and after the passage of this act, it

shall not be lawful for any person or persons, to sell any spirituous or vinous liquors in the bounds of, or the territory embraced by sections one, two, three, four, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, twenty-one, twenty-two, twenty-three and twenty-four, in township two, south of the base line, of range fifteen, west of the fifth principal meridian; which sections embrace the Benton Male and Female Academy, and the adjacent country in the county of Saline.

SEC. 2. *Be it further enacted*, That, if any person or persons, shall violate the provisions of the preceding section, he or they, shall, for each violation, be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine, in any sum not less than one hundred nor more than five hundred dollars.

APPROVED, January 5th, 1861.

No. 66.

AN ACT *amendatory of "an act for the benefit of the citizens of township sixteen north of range one west," approved 5th February, 1859.*

SECTION

1. Power of the trustees to sell land.
Duties of the township treasurer.
2. School funds to be paid to treasurer.
Suits to be brought in the name of the trustees.
3. Powers and duties of trustees in relation to funds and school.
4. Money, how paid.

SECTION

5. Further duties of trustees in relation to school funds.
6. May allow treasurer compensation.
7. Shall direct treasurer to loan school funds, Rate of interest, and on what security.
8. Inconsistent laws repealed. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State*

of Arkansas, That the trustees of said township shall have full power and authority to lease or sell any of the school lands in said township, as in said act provided, and upon the full payment of the purchase money; principal and interest, to the treasurer of the said township, it shall be his duty to make deeds to the purchasers, their assigns, or legal representatives, in fee simple; and the moneys derived from sales or leases, shall remain in the hands of said treasurer, and be subject to the control of the said trustees and paid out on their order, from time to time, for school purposes in the said township.

SEC. 2. All the school funds, notes and obligations, belonging to the school fund of the said township, shall be paid to and turned over to the treasurer thereof, and be held by him as in the preceding section specified, and any notes and obligations may be sued for and recovered in the name of the trustees of the township, in the manner now provided by law, and, when collected, shall be paid over to the treasurer, as aforesaid, and he shall give receipts for the same.

SEC. 3. The trustees of the said township are hereby authorized and empowered to apply the sum of two thousand dollars to the erection of a suitable school house for the said township, and at such place as the trustees, or a majority of them may designate, and to establish and keep up a school there, and for which purpose they shall have the power of making all necessary contracts, employing professors and teachers, and directing the payment of their compensation, from time to time, and of causing books, apparatus, and whatever may be necessary for school purposes, to be purchased and paid for out of the school fund of said township.

SEC. 4. All moneys paid out for school purposes in said township, shall be upon written orders by the trustees, on the treasurer, from time to time, and which shall be sufficient vouchers for him; and he shall keep a regular account and book of all moneys received, and moneys paid out, and shall settle with the said trustees in respect thereof, at least once in each year; and the treasurer shall be liable on his official bond for any money, notes or obligations, belonging to the said school fund,

and also, for any balance that may be found in his hands upon settlement, at any time, and shall also be liable for failure to pay orders that may be drawn upon funds in his hands, as aforesaid.

SEC. 5. The said trustees may, at any time when they deem it necessary, require bond or additional bond to be given by the said treasurer, which shall be given to the state, for the use of the trustees of the said township; and in such penalty and with such security as they shall approve, and such bond shall be filed in the clerk's office of the county, and a certified copy thereof shall be sufficient as evidence, or as the foundation of a suit, and the original shall remain on file.

SEC. 6. The said trustees shall, from time to time, allow to the said treasurer, such compensation for his services, as may be just and reasonable, to be paid out of the school fund aforesaid, on orders, as above indicated.

SEC. 7. The trustees of the said township shall have the power to direct the treasurer to loan school funds in his hands, when it shall be deemed expedient to do so, taking notes and obligations to the trustees therefor, with good and sufficient security, and at a rate of interest not exceeding ten per centum, or with mortgage security, if necessary.

SEC. 8. All laws inconsistent with this act are repealed, and this act shall be in force from its passage.

APPROVED, January 5th, 1861.

No. 67,

AN ACT *to repeal all laws heretofore passed, declaring Buffalo Fork of White river, a navigable stream.*

SECTION

1. Act declaring Buffalo Fork of White river a navigable stream, repealed.

SECTION

Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That all laws heretofore passed by the General Assembly of the State of Arkansas, declaring Buffalo Fork of White river a navigable stream be, and the same are hereby repealed, and that this act take effect from its passage.*

APPROVED, January 5th, 1861.

No. 68.

AN ACT to extend the provisions of an act entitled "*An act to provide for the making and repairing levees in Desha and Phillips counties,*" approved 16th February, A. D. eighteen hundred and fifty-nine, to the county of St. Francis.

SECTION

1. Provisions of act approved 16th February, 1859, in relation to levees in Desha and Phillips counties, ex-

SECTION

tended to the county of St. Francis. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That the provisions of "An act to provide for making and repairing levees in Desha and Phillips counties," approved 16th February, A. D. eighteen hundred and fifty-nine, shall be, and the same are hereby, in all respects, extended and applied to the county of St. Francis, and that this act be in force from and after its passage.*

APPROVED, January 7th, 1861.

No. 69.

AN ACT to amend an act entitled "*An act to extend the boundaries of the city of Little Rock,*" approved November 30th, 1860.

SECTION

1. Boundaries of the city of Little Rock extended.

SECTION

2. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the west half of section three, south of the Arkansas river, in township one, north of range twelve west, of the extent as known and designated in, and by the public surveys of the United States, be, and the same is hereby included within the corporate limits of the city of Little Rock, subject to all and singular the provisions contained in said act, approved ~~X~~ November ~~X~~ 30th, ~~X~~ 1860 ~~X~~ with the like effect as if the same had been included in said act.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED, January 7th, 1860.

No. 70.

AN ACT to authorize the county courts of Poinsett and Craighead counties to levy a road tax.

SECTION

1. Poinsett and Craighead counties

SECTION

authorized to levy a road tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That all the provisions of an act entitled "*An*

act to authorize the county courts of Randolph, Greene and Crawford counties, to levy a road tax, and for other purposes," approved 21st February, eighteen hundred and fifty-nine, be, and the same are hereby applied to, and declared in full force in the counties of Poinsett and Craighead, as fully, and in the like effect, as if said act were expressly passed for said counties of Poinsett and Craighead.

APPROVED, January 7th, 1861.

No. 71.

AN ACT to incorporate *The Northwestern Arkansas Baptist Female Institute.*

SECTION

1. Act heretofore passed to incorporate Fayetteville Female Institute repealed.
2. Certain named persons incorporated by the name and style of "The Northwestern Arkansas Baptist Female Institute." Certain powers granted to it.
2. Vacancies, how filled. Property of the institution to be held for educational purposes. Amount limited.
3. Where located. May hold property in its corporate name, and dispose

SECTION

- of the same for the use of the institute. Purchase books and apparatus for institute.
5. Powers of corporation. May appoint president and officers.
6. May establish departments, and confer diplomas. Trustees to meet annually.
7. Number of trustees may be increased by election. The charter to continue in force 99 years.
8. May use the building as a church. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That the act passed by the General Assembly at its session in eighteen hundred and fifty-eight, incorporating the Fayetteville Female Institute, be, and the same is hereby repealed.*

SEC. 2. *Be it further enacted, That Thomas B. Van Horne,*

James H. Hobbs, Ben. F. Boone, John Mayes, George Mayes, W. B. Johnson, Jacob Owens, William Kelley, Samuel Vernon, John Reed, John Meek, A. Brown, J. Dunnagan, Z. M. Vaughan, A. J. Vanghan, Elijah Smith, Daniel Henson, P. S. G. Watson, Wm. M. Lea, W. R. Trawick, Harvey Marley, Jordan Epperson, Wiley Foster, Wm. Martin, H. H. Patterson, Matthew Cavenness, and their successors be, and they are hereby created a body politic and corporate, under the name and style of the "Northwestern Arkansas Baptist Female Institute," and henceforth shall be known by that name, and by that style and name to remain, and to have power to appoint their successors, to sue and be sued, plead and to be impleaded, to have a common seal, and to alter the same at pleasure; to make and alter from time to time, such by-laws as they may deem necessary for the government of said institution, its officers and servants; *Provided*, Such by-laws are not inconsistent with the constitution of this state, or of the United States.

SEC. 3. That said corporation shall have power to fill such vacancies in their body, as may happen by death, resignation, or otherwise, and shall hold the property of said institution solely for the purpose of education, and not as a stock for the individual benefit of themselves, or of any contributor to the endowment of the same; *Provided*, That the amount owned by said corporation shall not, at any time, exceed two hundred and fifty thousand dollars, over and above the buildings, library and apparatus, necessary to the institution.

SEC. 4. That said institution shall be located in the town of Fayetteville, Washington county in this state; said institution shall be competent in law and equity, to take, in its said corporate name, real, personal and mixed property, by gift, grant, bargain and sale, conveyance, will, devise or bequest of any person or persons, whomsoever, and the same estate, whether real or personal, to grant, bargain, sell, convey, devise, let, place out at interest, or otherwise dispose of, for the use of said institution, in such manner as shall seem most beneficial to said institution; said corporation shall, according to their best judgment, apply the funds that may

come into their hands, in erecting suitable buildings, supporting necessary officers, instructors and servants, and in procuring books, maps, charts, globes, and philosophical, chemical, and other apparatus, necessary to the success of said institution.

SEC. 5. That said corporation shall have power to employ and appoint a president, treasurer, and all such professors, teachers, and servants, as may be necessary, and shall have power to displace any, or each of them, as the interest of said institution requires; to fill vacancies that may happen by resignation, or otherwise, among such officers and servants, and to prescribe and to direct the course of studies to be pursued in said institution.

SEC. 6. That said corporation shall have power to establish such departments of learning, and confer such diplomas and certificates of scholarship, as are usual in female colleges and seminaries of the highest grade; that there shall be a stated annual meeting of the trustees, to be held at such time as they shall appoint at their first regular meeting held under this charter; and if any trustee shall fail to attend at any two successive annual meetings of said trustees, without assigning a sufficient reason therefor, his seat may be vacated, and the trustees may proceed to fill the vacancy.

SEC. 7. Said trustees shall have the power, by election, at any regular meeting, to increase their number, so as not to exceed forty, in all; and that said corporation shall have succession for ninety-nine years.

SEC. 8. *Provided*, That nothing herein contained shall be so construed as to prevent said trustees from using the building of said institute as a church house, for said denomination, and that this act take effect and be in force from and after its passage.

APPROVED, January 7th, 1861.

No. 72.

AN ACT to incorporate the St. Francis River Navigation Company.

PREAMBLE, explanatory of act of incorporation, and the reason for its passage.

SECTION

1. Certain named persons incorporated by the name and style of "The St. Francis River Navigation Company;" to continue 33 years; rights and powers of the company.
2. What they may do in certain limits to improve the navigation of St. Francis river.
3. Capital \$50,000; divided into shares of \$25. To open books for subscription of stock at certain places.
4. When to charge and receive tolls; rate of tolls allowed.
5. When capital stock may be increased.
6. Company may cut down timber in certain cases.
7. Obstructions to navigation not removed in five years, company to forfeit all rights granted by the charter.
8. All the right of the state in certain unsurveyed lands within three miles

SECTION

- of either bank of the river, donated to the company, between the points mentioned.
9. When any of said lands are patented to the state, the course, then to be pursued. Surveyor to report to auditor the quantity of land reclaimed.
10. Duty of auditor on filing said report.
11. Auditor's certificate to be received by land agent in payment of said lands. Governor to execute deed to company. Fees to be paid officers.
12. County surveyor allowed \$5 per day.
13. State not responsible for any damages that may be sustained by removing obstructions in river. Company not to exercise banking privileges under charter.

WHEREAS, The accumulated obstructions in the channel of the St. Francis river within the limits of the State of Arkansas, from the town of Wittsburg, in St. Francis county, to Chalk Bluff, in the county of Greene, cuts off from all steamboat communication with the Mississippi river, a large number of the citizens of the State of Arkansas, who are dependent on said stream for navigation facilities; *And whereas*, The only practicable plan for cleaning and removing the obstructions in said river St. Francis, so as to make the same afford an easy and safe navigation, is by incorporating an association of individuals, who are disposed to undertake the same; *And whereas*, also, The cleaning out the channel of said river, would

thoroughly and actually reclaim a portion of unsurveyed swamp and overflowed lands, which may be patented to the State of Arkansas, when surveyed by the government of the United States, under the provisions of the act of Congress of the 28th day of September, A. D. eighteen hundred and fifty; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That William C. Reyburn, Thomas J. Mellon, Alexander M. Davis, James. W. Bush, James C. Brookfield, Phillip Van Patten, J. F. Davies, and such other persons as may associate themselves with them, not to exceed the number of thirteen in all, be, and they are, hereby incorporated as a body politic under the name and style of "The St. Francis River Navigation Company;" which company shall continue as a body corporate for the term of thirty-three years, and by their said name, and in their corporate capacity, may sue and be sued, plead and be impleaded, have a common seal, hold such property as may be necessary to effect the objects for which said company is incorporated, and dispose of the same, and to do every other act which a body politic or corporate may do.

SEC. 2. Said company shall have the right to clean out the channel of the St. Francis river, and remove all obstructions to the navigation of said river, from the town of Wittsburg, in St. Francis county, to Chalk Bluff, in the county of Greene, in such manner as to render said river navigable for steamboats, between said points above designated, and to keep the same open and free from obstructions for boats ascending and descending said river.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be fifty thousand dollars, to be divided into shares of twenty-five dollars each; and that books for the subscription of stock in said company shall be opened, under the direction of the persons above named, and their associates, at the following places, to-wit: Chalk Bluff, Oak Bluff, and Gainsville, in the county of Greene; and at Greensboro and Jonesboro, in the county of Craighead; at Harrisburg and Pineville, in the county of Poinsett; and at Wittsburg, in the county of St. Francis, at such times as they may deem proper.

SEC. 4. *Be it further enacted*, That so soon as said company shall have removed the said obstructions, and cleared the channel of said river, between the points above designated, and said portion of said river thereby is rendered navigable for flat-boats, steamboats and water crafts, said company shall be authorized and entitled to receive and charge tolls upon all boats and water crafts, ascending and descending said river between said points as follows, to-wit: the sum of forty cents upon each hundred pounds of freight with which any such boat or water craft may be laden; *Provided*, The assent of the Congress of the United States be first given to the taking of such toll.

SEC. 5. *Be it further enacted*, That if it shall be ascertained that the capital stock, hereinbefore mentioned, shall be insufficient to accomplish the objects of this act, said company may enlarge the same as they may deem necessary, and open subscriptions therefor, in such manner as they may direct, at the places aforesaid.

SEC. 6. *Be it further enacted*, That said company, if the same be deemed advisable and necessary for the accomplishment of the objects of this act, shall have the privilege of cutting down the timber and material growth of wood on either bank of said river, between the points designated above, that may be likely to cave in or fall in the channel of said river.

SEC. 7. *Be it further enacted*, That if said company shall fail to open the channel of said river, and remove all obstructions to the navigation of the same, within five years after the passage of this act, said company shall forfeit all rights and privileges granted or created by this act.

SEC. 8. *Be it further enacted*, That the State of Arkansas hereby agrees to grant, donate, release, relinquish and quit claim to said company, all the right, title and interest she now has, or may hereafter acquire in, and to, any of the unsurveyed swamp and overflowed lands within the distance of three miles of either bank of said river, between the points designated in this act, which shall be reclaimed, drained and rendered fit for

cultivation, by means of opening the channel and removing the obstructions in said river.

SEC. 9. *Be it further enacted*, That if any of said unsurveyed swamp and overflowed lands shall hereafter be patented to the State of Arkansas by the United States, by virtue of the act of Congress, of the 28th day of September, A. D. eighteen hundred and fifty, it shall be the duty of the county surveyors of the county where any of said lands are situate, when called upon by said company, to examine and report, under his official signature, to the auditor of the state, what swamp and overflowed lands belonging to the State of Arkansas, within three miles distance of either bank of said river, between said town of Wittsburg and Chalk Bluff, have been thoroughly and actually reclaimed and rendered fit for cultivation, by means of the improvement of said river by said company.

SEC. 10. *Be it further enacted*, That upon the filing of such report with the auditor, as aforesaid, it shall be the duty of the auditor to issue a certificate, under his hand, giving the numbers and descriptions of the land, so reclaimed, to said company.

SEC. 11. *Be it further enacted*, That said certificate shall be received by the swamp land agent of the district in which such lands may be situated, in full payment for the lands therein described, and he shall issue to said company his certificate of purchase therefor, which certificate of purchase shall authorize the governor to execute a deed conveying said lands to said company, for which certificates, deed, etc., said company shall pay to said officers the same fees as is now prescribed by law for similar services.

SEC. 12. *Be it further enacted*, That the county surveyor shall have for his services under this act, the sum of five dollars per day, to be paid by said company.

SEC. 13. That the State of Arkansas shall, in no case, be responsible for any damages on account of opening the channel of said river, and that said company shall not exercise any banking privileges, and that this act take effect from and after its passage.

APPROVED, January 7th, 1861.

No. 73.

AN ACT to incorporate the Arkadelphia Female College.

SECTION

1. Certain named persons incorporated by the name and style of "The Trustees of Arkadelphia Female College," for ninety-nine years.
2. Waschita conference to elect trustees in future; vacancies in board; how filled.
3. Powers of the trustees defined.
4. No misnomer to defeat any gift, grant or bequest; if charter forfeited, property to vest in Waschita conference.
5. Trustees to hold meetings; when; seven a quorum; may choose president and officers; vacancies; how

SECTION

- filled; to make annual reports to conference.
6. Conference may elect president; how; duties of president.
7. Power of trustees and faculty of college.
8. Conference may appoint visiting board.
9. Profits of the college; how appropriated.
10. Trustees to locate college with the assent of agent.
11. All estates held by trustees for use of college, exempted from taxation.
12. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That John B. McDaniel, Thomas B. Sloan, Alfred G. Hearn, John M. Bradley, Thomas A. Ross, Dudley Spence, A. Jackson Ross, Peter M. Carmicheal, Franklin T. Hart, W. T. Crouch, Theophilus E. Garrett and William C. Adams, and their successors, be, and the same are hereby constituted a body politic and corporate, in deed and in law, by the name and style of "The Trustees of Arkadelphia Female College;" and by that name and style, they and their successors, shall have succession for ninety-nine years, and be capable in law, to have, exercise and enjoy the powers, rights and privileges hereinafter specified.

SEC. 2. *Be it further enacted*, That the trustees of said college shall be elected by the Wachita annual conference of M. E. church south, at its regular annual sessions, and the trustees above named shall hold their office until their successors are elected by the annual conference aforesaid, at its session next ensuing the passage of this act; and all vacancies occurring in the board of trustees, when the said conference is not in session,

shall be filled by the remaining members of said board; *Provided*, That should the said annual conference, at any annual session thereof, fail to elect successors to said trustees, then the trustees already in office, shall continue to hold the same and perform all acts pertaining thereto, until their successors shall be elected, as hereinbefore provided.

SEC. 3. *Be it further enacted*, That said trustees and their successors, by the name and style aforesaid, shall be capable in law, to have, receive and enjoy, all real and personal property of any and all kinds whatsoever, which may be given, granted, sold or bequeathed unto them, for the purpose of establishing and supporting said college; may have, and use a common seal; contract under seal or otherwise; sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity, in this State; and to grant, bargain, sell or assign any real or personal property, in such manner as they may think expedient; and to act and do all things whatsoever, for the benefit of said college, in as ample a manner as any person or body politic can, or may do by law, subject always to the direction and control of said annual conference; *Provided*, That said trustees shall do no act contrary to the laws of the land.

SEC. 4. *Be it further enacted*, That no misnomer of the Arkadelphia female college shall defeat or annul any gift, devise or bequest to the same; *Provided*, The true intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to the said college; nor shall said trustees forfeit this charter by misnomer; but should this charter, by any means, at any future time, be forfeited, all the property and means of said corporation of any kind, shall thereupon vest in the Wachita annual conference, to be appropriated to educational purposes, in some other form, by said annual conference.

SEC. 5. *Be it further enacted*, That said trustees shall hold their stated meetings semi-annually, at such times and such places, as they may appoint, and shall also have power to hold such called meetings, at such times and places, and on

such conditions as they may by law determine; seven of their number shall constitute a quorum to transact business at the said stated and called meetings; they shall, at their first meeting after the passage of this act, and at every second semi-annual meeting of each year thereafter, choose for officers, a president, secretary, treasurer and such other officers as they may see proper; whose official duties they shall declare by law; and should the places of such officers become vacant by death, resignation or otherwise, the said places shall be supplied by special election at called meetings of the board; they shall keep a record of their proceedings, and shall make an annual report to the annual conference aforesaid, together with a full and exact statement of their assets and liabilities.

SEC. 6. *Be it further enacted*, That said annual conference may, on nomination of said board of trustees, annually elect, and, through its presiding officer, appoint the president of said college; the president so constituted shall nominate to the board of trustees, for its approval, such teachers as he may deem necessary and suitable for the educational purposes of the college; the said teachers, when approved by the board of trustees, and by it so announced to the president of the college as so approved, shall constitute, with the president, the faculty of said college for the instruction and government of the students thereof; the course of studies for said students, and all the laws and regulations, as well as all amendments and additions thereto, for the training and instruction and government of said pupils, shall be first considered and adopted by said faculty, by a majority vote thereof, and thereafter, on recommendation of the president, with the attestation of the secretary of said faculty, who has been by it, so constituted as secretary thereof, shall be reconsidered, by the board of trustees, and when approved by it, and so declared by its secretary, to the president of the college, shall become and stand, in full force and effect, for the training, instruction and government of the students of said college, as well as for the government of all the officers of said college, other than those elected by the board, for discharging its own immediate and special duties; the president of the

college shall have a seat and voice in the board of trustees, but shall not vote; and the board of trustees shall have power, when the annual conference aforesaid is not in session, to supply the place of president of the college, when made vacant by death, resignation or otherwise.

SEC. 7. *Be it further enacted*, That the said trustees, together with the faculty of said college, shall have power to confer such literary and scientific degrees and honors as are usually conferred by institutions of learning of a like character, and to grant such diplomas or certificates, as may be necessary to attest said degrees and honors.

SEC. 8. *Be it further enacted*, That said annual conference shall, whenever it sees proper, appoint a visiting committee, who shall have authority to visit said college, and examine thoroughly all matters pertaining to the interests of said college, whether under the charge of the faculty, or board of trustees, and report the same at the next session of the conference ensuing the appointment of said visiting committee.

SEC. 9. *Be it further enacted*, That the said trustees shall apportion certain definite yearly salaries for the maintainance of the president and teachers of the college; the annual profits which may remain in the hands of the trustees, after paying said salaries and other necessary, usual and appropriate expenses of the college for the year, shall be reported to the annual conference, who shall have power to use said profits, for such educational purposes as they may deem advisable, and whenever the trustees shall be prepared, and deem it advisable, they may establish a steward's hall for boarding the faculty and students of said college, to be under the direction and control of a head steward, nominated by the faculty, and approved and appointed by the board, at each second semi-annual meeting thereof, and to be under such laws and regulations as shall be recommended by the faculty and passed by the board, in the same manner as hereinbefore provided for the enactment of laws for the government of the college, and the net proceeds and profits of the same, after deducting its appropriate expenses, shall also be reported to the annual conference for its dis-

posal in the same way, and for the same purpose as herein provided for the net profits of the college; *Provided*, That the aforesaid net proceeds, both of the college and steward's hall, shall be so disposed of by the annual conference, as either to defray the expenses of such students, at the said college, as the conference may duly designate, or else, in some other way, to enure directly to the benefit of said college.

SEC. 10. *Be it further enacted*, That the said college shall be located at such place as the trustees aforesaid may select and determine, with the approval of the agent of the said annual conference, appointed by the same at its recent session of October, A. D., 1860, at Pine Bluff, Arkansas, and with and through the said agent, or his successor, duly elected by the said annual conference, and appointed by its presiding officer, from year to year, as the conference may deem proper; the board of trustees aforesaid, is hereby authorized to transact all business that may be entrusted to the said agent by the annual conference, for the benefit of said college; and through the said agent, the board of trustees may raise and procure all funds, apparatus, books, minerals and other chattels, suitable to the purpose of a college, and dispose of the same for the benefit of said college, as it may deem proper; *Provided, always*, That the action of the board in the premises shall be subject to review, amendment, control and direction of the annual conference, as before provided in this act.

SEC. 11. *Be it further enacted*, That all the estate, real and personal, held by said trustees in trust for said college, and its usual and lawful purposes, shall be exempt from taxation.

SEC. 12. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

APPROVED, January 8th, 1861.

No. 74.

AN ACT to amend chapter 137 of Gould's Digest, under the head of Public Printing.

SECTION

1. Rate paid public printer.
2. What work public printer must do.

SECTION

3. Laws repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That from and after the passage of this act, the public printer of this State, shall be paid for all work executed for the State, except the printing of bills, at the rate of fifteen per cent. less than is now paid by law.*

SEC. 2. *Be it further enacted, That the public printer shall be required to do and perform all book, pamphlet and job printing, work of every kind and description, for which the State shall be liable to pay.*

SEC. 3. *Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.*

APPROVED, January 8th, 1861.

No. 75.

AN ACT to incorporate the Trustees of Benton Male and Female Academy, in this State.

SECTION

1. Names of trustees and corporation.
Mode of choosing president and

SECTION

- other officers. Rights and immunities of the corporation.
2. Deemed a public act.

SECTION 1. *Be it enacted by the General Assembly of the State*

of Arkansas, That Richard P. Hammond, Alfred R. Hockersmith, George J. Cloud, Bradford Morris and John L. Hughes, with such person as they may choose for their president, be, and they are hereby made and constituted a body politic and corporate, with regular consecutive succession for, and during the full period of ninety-nine years, from and after the date of approval hereof, under the name and style of "The President and Trustees of the Benton Male and Female Academy," with full powers to form and adopt such constitution and by-laws, and police regulations as may be deemed necessary for the government of said academy, and the protection and preservation of the premises, and other real, personal, or mixed property, which may be held by said president and trustees, for the use and benefit of said academy, not inconsistent with the constitution and laws of this state; to provide the mode for choosing their president and other officers, and of filling all vacancies which may occur in their own body, or in that of president and other officers; to have and to hold, in trust, for the use of said academy, and receive title thereto, any property, real, personal, or mixed, which may be given, granted, sold, or bequeathed to said academy; to acquire and hold by purchase, or otherwise, and receive title thereto, any and all such real, personal, or mixed property, as may be, and as is usually purchased for institutions of learning of a similar character; to use a common seal, and sue and be sued, plead and be impleaded, in any of the courts of this state; to purchase and dispose of any mathematical, astronomical, scientific, or other instruments, books, maps, charts, or any other property, real, personal or mixed, which said president and trustees may deem necessary for the interest of said academy, and do and perform any and all other things which may, of right be done, for the advancement of the interest and object of said corporation.

SEC. 2. This act shall be deemed a public act, and judicially noticed as such, without special pleading of the same, and shall be in force from and after its passage.

APPROVED, January 8th, 1861.

No. 76.

AN ACT to amend the charter of Des Arc, in Prairie county.

SECTION

- 1- Boundaries of Des Arc amended.
2. Mayor empowered to issue bonds of

SECTION

corporation by authority of council.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the act passed on 28th December, 1854, be amended so as to read that, the boundaries of said town of Des Arc shall be as follows: Commencing at the north-east corner of the south-east fractional quarter of section eleven, in township four, north of the base line, of range five, west of the fifth principal meridian; thence west to the north-west corner of the same fractional quarter; thence south, to the south-west corner of the north-east quarter of section fourteen; thence east, to the south-east corner of the west fractional half of the north-west fractional quarter of section thirteen; thence north, to the center, or channel of White river; thence with the center, or channel, to the commencement.

SEC. 2. *Be it further enacted*, That the town council may authorize the mayor to issue the bonds of the corporation, after an election has been held, and the qualified voters of the corporation shall vote, authorizing the town council to do so, for any purpose that, in their judgment, may be for the benefit of the town of Des Arc.

APPROVED, January 8th, 1861.

No. 77.

AN ACT to enable Richard Blanton, of Lafayette county, to procure a deed from the State of Arkansas, to certain lands.

SECTION

1. When Richard Blanton shall have good warranty deed.

SECTION

2. Act to take effect from its passage.

WHEREAS, Richard Blanton, of Lafayette county, Arkansas, did, on the eighteenth February, eighteen hundred and forty-three, purchase of the state land agent, certain lands belonging to the state, as part of the five hundred thousand acre donation, to-wit: fractional section five (5), and north-west fractional quarter, and the east half of the south-west fractional quarter of section eight (8), and the north-east fractional quarter of section six (6), and fractional section seventeen (17), all in township twenty (20), of range twenty-six (26), amounting in all, to three hundred, sixty-two, and forty-five hundredth acres, as per statement made by Mr. Stewart, state agent, and the register of the land office, and presented to him as being correct, for which he gave his several notes, ten in number, for three hundred and twenty acres, at two dollars per acre, amounting to six hundred and forty dollars; for the balance of the tracts he paid five dollars per acre, giving his ten notes therefor, and he made full and final payment on all these notes, as will more fully appear, by reference to receipts from John T. Trigg, state collector, given on the third of May, eighteen hundred and fifty-three; *And whereas*, After said payments were all made, and all of said notes lifted, by said Richard Blanton, from the state agent, and upon his application to the then auditor of public accounts, for a certificate that all of said notes were fully paid off, so that he might obtain from the governor a deed for said land, the auditor discovered a mistake in the calculation of said tract of land, of twelve and forty one-hundredth acres, and refused to make out the requisite certificate to enable him, the said Richard Blanton, to procure his

deed for said land, but claimed that the said Blanton should pay the sum of five dollars per acre for the twelve and forty hundredths acres, and inasmuch as said land was bought and paid in good faith, each note at its maturity; now, in order that the said Richard Blanton may obtain a deed to said tract of land from the governor, and inasmuch as there was no contract between the state and the said Richard Blanton, that he should pay for said land, and inasmuch as he is willing to pay a just compensation for the same; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That whenever Richard Blanton shall pay into the state treasury, one dollar and twenty-five cents per acre, together with six per cent. interest on the same for the twelve and forty one-hundredth acres, found not to have been paid for, from the time said purchase was made up to the time of payment, then the auditor shall so certify to the governor, who shall proceed to give a good warranty deed for the said tract of land to the said Richard Blanton.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, January 10th, 1861.

No. 78.

AN ACT to protect all land in Chicot county which is subject to overflow.

SECTION

1. Five swamp land commissioners to be elected from the five levee districts.
2. Term of office—regulating law.
3. Clerk of the court to issue certificates of election.

SECTION

4. The five commissioners to constitute a board and elect a president.
5. Board to elect other officers.
6. County judge to fill all vacancies.
7. Duties of board.
8. Duties of engineer.

SECTION

9. Power to change location of levee.
10. Notice of levee work to be given.
11. A quorum—compensation of board.
12. To meet first Mondays in March and September.
13. Tax to be levied—what lands exempt.
14. Duty of assessor.
15. Board to hear complaints against assessment lists.
16. Collector of county to settle with board.
17. Fees of assessor and collector.
18. Lands exempt from taxation.
19. Duties of commissioners when break

SECTION

- in levee is apprehended.
20. Penalty for refusing to assist in repairing levee.
21. Persons damaged to do what.
22. Present inspectors to act as commissioners for the remainder of their term.
23. Power of board to make by-laws, etc.
24. Right of appeal from decision of board.
25. Redemption of land sold for taxes.
26. Clerk of the board to file assessment lists.
27. All conflicting laws repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the qualified voters for state and county affairs, in Chicot county, at the next general election in said county, and at every general election thereafter to be held, shall elect five swamp land commissioners; *Provided*, That the districts now established in said county, and known as levee districts, shall hereafter be known as swamp land districts, and that each of said districts shall be entitled to elect one of the commissioners hereinbefore provided for; and further, that any person who is qualified under this act, to vote for said commissioners, shall be eligible to the position of swamp land commissioner.

SEC. 2. *Be it further enacted*, That the law regulating the election of state and county officers, shall regulate the election of said commissioners, and that said commissioners shall hold their offices for two years, and until their successors shall be elected and qualified.

SEC. 3. *Be it further enacted*, That the clerk of the circuit court of said county shall compare the returns of the election of swamp land commissioners, as he is required to compare other returns, and issue certificates of election to the person receiving the greatest number of votes for swamp land commissioner in each district, and every person receiving a certificate of election as swamp land commissioner, shall immediately take an oath before some person qualified to administer

oaths, that he will faithfully discharge the duties imposed by this act, upon swamp land commissioners.

SEC. 4. *Be it further enacted*, That said commissioners, after receiving certificates of their election, and after taking the oath required by this act, shall, as soon after the expiration of the term of service of their predecessors as is practicable, proceed to organize themselves into a board of swamp land commissioners, by electing one of their number president of the board, who shall preside over the deliberations of the board, give the casting vote in all cases of a tie, and hold his office during the pleasure of the board.

SEC. 5. *Be it further enacted*, That said board shall, at its first meeting after each general election, in said county, elect a clerk, engineer and treasurer, each of whom shall give bond, with good and sufficient security, in such sum as the board may require, for the performance of the duties imposed upon him by this act, payable to said board, for the use of the overflowed land fund of said county, each of said officers shall hold their position during the pleasure of the board, and receive for their services whatever the said board may agree to pay them per annum.

SEC. 6. *Be it further enacted*, That all vacancies, which may occur in said board, shall be filled by the county judge of said county, by appointment, from the district in which such vacancy may exist.

SEC. 7. *Be it further enacted*, That said board shall have power to order the building or repairing of levees, or the opening of any of the natural drains in said county, whenever and wherever the same may be considered necessary for the protection of land in said county, which is subject to overflow.

SEC. 8. *Be it further enacted*, That whenever said board shall make an order for the building or repairing of any levee, or the clearing out of any natural drain, that the engineer of said board shall immediately lay off the proposed work, and report the same to the board, stating in such report the dimensions of such work, and the probable cost thereof, and in cases of the building or repairing of levees, the respective distances

of the nearest points of such levee from the bank, the kind of bank, how long such levee will likely stand, judging from the nature of the bank and the direction of the current.

SEC. 9. *Be it further enacted*, That said board shall have power to change the location of any levee, or the dimensions thereof, or the dimensions of any work for the clearing out of any natural drain if the same be considered necessary after an examination of the report of the engineer.

SEC. 10. *Be it further enacted*, That whenever said board shall determine to have any work done in accordance with the report of the engineer, the said board shall give reasonable notice of the work, which is to be done in some newspaper published in said county, if there should be any published therein, and also, in some newspaper published outside of said county which has an extensive circulation, inviting bids for the performance of such work, and notifying all parties that the lowest and best bidder shall have the contract of doing the work; *provided*, good and sufficient security be given to the board for the prompt and faithful performance of the work within a given time, and said board shall, in accordance with the foregoing part of this section, let out all contracts for such work as it is authorized to have done.

SEC. 11. *Be it further enacted*, That said board shall have no power to transact any business, unless every member thereof is present, and that every member thereof shall receive the sum of five dollars for every day that he is actually engaged in the discharge of his duty as a swamp land commissioner, on his affidavit to the number of days he has served.

SEC. 12. *Be it further enacted*, That said board shall meet at the court house of said county, on the first Mondays of March and September, in each year, and at such other times as may be necessary.

SEC. 13. *Be it further enacted*, That there shall be levied and collected in Chicot county, an annual tax on all lands in said county, which is subject to overflow, of not less than one fourth of one per centum, nor more than one per centum upon the assessed value thereof; *Provided*, That every forty acre tract

of land in said county shall be considered subject to overflow, if the greater portion thereof is subject to overflow, and that every forty acre tract of land in said county shall be considered free from overflow, if a greater portion thereof is free from overflow; *And Provided further*, That the board of swamp land commissioners shall fix the rate of such tax within the limit above prescribed.

SEC. 14. *Be it further enacted*, That the assessor of said county shall be governed, in making assessments under this act, in all respects by the law regulating the making of assessments for state and county purposes, unless otherwise provided for in any respect by this act, and the collector of said county shall be governed in making collections under this act, in all respects by the law regulating the collection of taxes for state and county purposes; unless otherwise provided for in any respect by this act; *Provided*, That the board shall fix the time for selling lands for the taxes under this act, taking care always to allow sufficient time for the collector to give the proper notice.

SEC. 15. *Be it further enacted*, That said board shall hear and determine all complaints against the assessment list, provided for in this act, at the term of the board at which the same may be presented, and at no other term, and on satisfactory proof being made to said board by any person or persons, that his, her, or their lands are embraced in such list, and that the same are exempt from taxation under this act, said board shall strike such lands from said list, and whenever satisfactory proof shall be produced to said board that there are lands in said county which are subject to taxation under this act, and that the same are not included in said list, said board shall insert such lands, and after said list shall be so corrected, said board shall place the same in the hands of the collector of said county, for collection, upon his entering into bond to said board, with good and sufficient security, in a sum equal to the whole amount of taxes to be collected for the faithful discharge of his duty.

SEC. 16. *Be it further enacted*, That the collector of said county shall settle with the board, and, on its order, pay to the

treasurer thereof any money collected by him under this act, whenever said board shall demand a settlement with him, and shall pass an order for him to pay over to the treasurer thereof any money which he may have collected under this act; and, on his failure so to do, he may be proceeded against by motion, in the name of such treasurer, as in case of his failure to pay over money which he may have collected as state tax.

SEC. 17. *Be it further enacted*, That the assessor and collector of said county shall receive for their services in assessing and collecting, under this act, the same fees to which they are entitled for assessing and collecting under the general revenue law of the state.

SEC. 18. *Be it further enacted*, That all lands in said county which are situated between any levee and the stream leveed, shall be exempt from taxation under this act.

SEC. 19. *Be it further enacted*, That whenever a break in any levee is apprehended, it shall be the duty of the commissioner of the district in which such break is anticipated, and he is hereby authorized, to call out every male slave living convenient to the point threatened, who is subject to road duty, and repair the same, in such manner as will render it secure; *Provided*, That for each slave who shall actually assist in repairing any levee, the owner shall be entitled to one dollar and a half per day, and the board shall issue scrip to such owner, on the certificate of the commissioner of the proper district, to the number of days any such slave or slaves may have been actually engaged in such work.

SEC. 20. *Be it further enacted*, That any owner or overseer, who shall refuse to send out such slaves as are by this act required to assist in repairing any levee which may be threatened with a break, on the call of the commissioner of the proper district, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than five dollars, nor more than five thousand dollars, to be applied, when collected, to the protection of the land in said county which is subject to overflow.

SEC. 21. *Be it further enacted*, That any person or persons

who may feel him, her, or themselves damaged by the location of any levee, or other kind of work, under this act, shall plainly state all the facts of their case, in writing, to the president of said board, within fifteen days after said board shall have passed an order locating any levee or other kind of work, setting forth, in such statement, the amount that he, she or they will be damaged, and said president, upon the presentation of any such statement, shall immediately call a meeting of the board to consider such statement, taking care, in such call, to fix a certain day for the meeting of said board, and to notify the party or parties, who have presented the statement, of the day of the meeting; and said board shall, on the appointed day, hear all the evidence in the case, and determine the amount of damages to which such party or parties are entitled, if any, and shall issue to such party or parties scrip for such amount as may be determined on; *Provided, always,* That such party or parties shall be allowed to take an appeal from the decision of said board, in the same manner that appeals may be taken from the decision of any of the inferior courts of this state to the higher courts thereof.

SEC. 22. *Be it further enacted,* That the present levee inspectors of said county shall be deemed the predecessors of the first swamp land commissioners who may be elected under this act, and that said inspectors shall be governed in all things, as far as may be practicable, by this act, during the remainder of their term of office, as if they had been elected swamp land commissioners under this act, and, in all other respects, said inspectors shall be governed by the law under which they were elected.

SEC. 23. *Be it further enacted,* That said board shall have power to make such rules, regulations and by-laws as may be necessary to carry into execution any provisions of this act; *Provided,* That such rules, regulations and by-laws shall not conflict with any of the laws of this state.

SEC. 24. *Be it further enacted,* That any party or parties shall be allowed an appeal from the decisions of the board in all cases where a correction of the assessment list may be

prayed for, in the same manner that an appeal can be had from the decision of any of the inferior courts of this state, to the higher courts thereof, and all appeals, provided for by this act, shall, when taken in the proper manner, work a stay in each case to any further steps therein, until the same shall be decided.

SEC. 25. *Be it further enacted*, That the law regulating the redemption of lands sold for state and county taxes, shall regulate the redemption of all lands sold for taxes, under this act.

SEC. 26. *Be it further enacted*, That the clerk of the board shall, after the board shall have corrected each assessment list which shall be made under this act, make a correct copy of the same, and file it for the inspection of all parties interested.

SEC. 27. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be, and the same are, hereby repealed, and that this act take effect and be in force from and after its passage.

APPROVED, January 10th, 1861.

No. 79.

AN ACT to establish separate courts in the county of St. Francis.

SECTION

1. St. Francis to be divided into two judicial districts—names.
2. The courts of Madison district shall be held under the present style for St. Francis county.
3. Circuit court to be held at Cotton Plant—how often.
4. The circuit court held at the county seat extends only over Madison district.

SECTION

5. Madison and Cotton Plant distinct districts.
6. The two judicial districts of Madison county to bear the same relation to each other as other distinct districts to each other.
7. Judgments in the respective districts—what effect to have.
8. Citizens of St. Francis—how far liable to serve on juries.

SECTION

9. County and probate court for the district of Crton Plant to be held at the town of Cotton Plant.
10. All causes now pending to be adjudicated at Madison.
11. County courts for Cotton Plant—when and by whom held.
12. Matters of jurisdiction in Cotton Plant to be determined by county court for Cotton Plant.
13. County and probate court for Madison district.
14. All revenue belonging to St. Francis county, belongs to the district in which it is collected.

SECTION

15. The county courts of Madison and Cotton Plant to act, in all things concerning revenues, as if they were independent counties.
16. Taxes of the state unaffected.
17. Sheriff and deputy of St. Francis to reside in different districts.
18. Clerk of St. Francis to keep an office at Cotton Plant as well as at Madison.
19. Records at Cotton Plant and Madison equally valid.
20. In all matters not included in this act, St. Francis county remains undivided.

Be it enacted by the General Assembly of the State of Arkansas as follows:

SECTION 1. That St. Francis county shall be divided into two judicial districts, to be called the Madison district and the Cotton Plant district; that all that part of the county east of the fifth principal meridian, shall compose and be called the Madison district, and all that part of the county west of the fifth principal meridian, shall compose and be called the Cotton Plant district.

SEC. 2. That the circuit, probate and county courts of St. Francis county, shall continue to be held at its county seat, as now provided by law, and shall be the courts to be held in and for the Madison district, and there shall be no change in the style of the process, and legal proceedings, which shall be pending in said courts.

SEC. 3. That the circuit court of St. Francis county shall be held the same number of sessions, at the town of Cotton Plant, as by law it does, and shall hold, at its county seat, at times to be designated by law, and shall be called the circuit court of St. Francis county for the Cotton Plant district; and its authority and territorial jurisdiction shall extend over the Cotton Plant district, as if such district was an independent and distinct county.

SEC. 4. That the authority and territorial jurisdiction of the

circuit court of St. Francis county, held at its county seat, shall extend only over the Madison district, and that henceforth said court shall be called the circuit court of the county of St. Francis for the Madison district.

SEC. 5. That to ascertain in which of the respective districts actions cognizable in the circuit courts shall be returnable and be tried, the said districts shall be considered as distinct counties, and the mode and place of bringing suits shall be determined by the general law applicable to different counties, but all process, civil and criminal, original, mesne and final, that may be issued from the circuit court of either district, shall run through the whole county, and have like effect as if the court, whence it issued, were the only circuit court of the county, unless otherwise provided in this act.

SEC. 6. The circuit courts held in the respective districts of St. Francis county, shall be as distinct from each other, and shall have the same relation to each other, as if they were circuit courts of different counties, and may change the venue of cases, from one court to the other, as circuit courts now do, or may hereafter do, under the general law.

SEC. 7. Judgments rendered in the circuit courts of the respective districts, shall be liens upon real estate only in the district where rendered; but executions in the hands of the sheriff shall have the same lien and force throughout the county as executions upon judgments of circuit courts have by law, and sales of slaves and lands at the door of the court-house, or place of holding court in Cotton Plant, shall be as lawful as if made at the court-house door of the county.

SEC. 8. Citizens of St. Francis county shall be liable to serve upon juries only in the district in which they reside, saving that citizens of any township that may be in both districts, shall not be exempt from serving upon inquests upon dead bodies, or upon juries before justices of the peace.

SEC. 9. The county and probate judge of St. Francis county shall hold probate courts of St. Francis county for the Cotton Plant district, in the town of Cotton Plant, on the third Mondays of January, April, July and October, and all matters of

probate court jurisdiction, that arise and happen within the limits of the Cotton Plant district, shall be tried and determined in said probate courts, and with like incidents and effects as if done in the probate court of the county before the passage of this act.

SEC. 10. All causes and subjects depending in the circuit and probate courts in St. Francis county, shall remain for adjudication and enforcement in the courts held in the Madison district.

SEC. 11. County courts in St. Francis county shall be held in Cotton Plant at the same time as the probate courts, but if held with associate justices, they shall be selected from the Cotton Plant district, by the justices of the peace resident in the district.

SEC. 12. Matters of county court jurisdiction, appertaining to that part of the county, within the Cotton Plant district, and to persons, and to property resident, and being within, shall be subject to the examination and determination of the county court of St. Francis county, for the Cotton Plant district.

SEC. 13. The probate and county courts that shall continue to be held at the county seat of St. Francis county shall be, and shall be called the county and probate courts of St. Francis, for the Madison district.

SEC. 14. All the revenue, that by law, does, or shall accrue to St. Francis county from all sources, shall belong to, and shall be collected for the district in which it shall accrue, and shall be accounted for to the county court of the proper district, in the manner that now is, or shall be prescribed by law.

SEC. 15. In all things concerning the county revenue, the Madison and Cotton Plant districts, through their respective county courts, shall act, and be as independent counties, but shall be served by the same sheriff, clerk, treasurer, coroner, school and internal improvement commissioners, and all other ministerial officers.

SEC. 16. Separate assessment lists shall be made by the assessor of St. Francis county, and separate tax book shall be made by the clerks of the respective districts, but nothing in this act

change the liability of the collector, or his securities, on account of the revenue of the state, due from St. Francis county.

SEC. 17. In whichever district of the county the sheriff shall live, he shall have a deputy that shall reside in the other district.

SEC. 18. The clerk of the circuit court of St. Francis county shall keep an office at Cotton Plant, in addition to the office required of him to be kept at the county seat, and shall provide a seal for the circuit court of St. Francis county for the Cotton Plant district, which shall be the seal of the probate and county courts, and of the recorder for the Cotton Plant district; and he shall also provide suitable books for recording the proceedings of the court, and for recording deeds and writings that, by law, may and ought to be recorded.

SEC. 19. The records of deeds and writings that are proper to be recorded, and that is made by the clerk and recorder of St. Francis county in his office, at Cotton Plant, showing the conveyance and transfer of property within the Cotton Plant district, shall be of the same validity as the record heretofore kept only at the county-seat of said county, and certified copies thereof shall have the same effect as evidence, as if there were but one recorder's office in the county.

SEC. 20. As to all matters not included in this act, the county of St. Francis shall not be taken to be a divided county, and in business done by the clerk, he shall specify for what office, or in what court it is done, only where it shall relate to the subject matters of this act, and in all cases, shall certify what he shall do, as done by the clerk of the circuit court of St. Francis county, and not be done by the clerk of the circuit court of the county for either of the districts mentioned in this act.

SEC. 21. This act shall take effect and be in force from and after its passage.

APPROVED, January 10th, 1861.

No. 80.

AN ACT to incorporate the *Arkadelphia Hook and Ladder Company.*

SECTION

1. Names and duties of corporators.
2. Duration of corporation.

SECTION

3. Act in force from passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That* Thos. A. Heard, George Kingsbury, John M. Ashley, D. J. Cronin, and Joseph Cassem, of Arkadelphia, and their successors in office, duly elected and qualified, are hereby constituted a body politic and corporate, by the name of the Arkadelphia Hook and Ladder company, to prevent the destruction of property by fire, and by that name said company may sue and be sued, either in law or equity, and shall have power to use and make a common seal; to make such by-laws, rules and regulations in regard to the same, not inconsistent to the constitution or laws of this state; to buy and sell, and hold real estate and personal property; to borrow and lend money, and do whatever a natural person may do in the premises.

SEC. 2. Said body corporate shall have duration for ninety-nine years.

SEC. 3. That this act take effect and be in force from and after its passage.

APPROVED, January 10th, 1861.

No. 81.

AN ACT to increase the amount of the bond of the Treasurer and Auditor of the State of Arkansas.

SECTION

1. Bond to be given by the treasurer of state.

SECTION

2. Bond to be given by the auditor of state.

WHEREAS, It appears by the reports of the auditor and treasurer, that there was in the state treasury, on thirtieth September, A. D. eighteen hundred and sixty, of general revenue, three hundred and four thousand, one hundred and six dollars and ninety-eight cents, besides a large amount of swamp land and other funds, belonging to the state; *And whereas*, The amount of bond now required by law is only one hundred and fifty thousand dollars; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the treasurer of the state be, and he is hereby required, on or before the first day of February next, to execute and deliver to the governor, a bond to the State of Arkansas, with good and sufficient securities, in the sum of six hundred thousand dollars, conditioned for the faithful performance of all the duties required, or which may be required of him by law.

SEC. 2. *Be it further enacted*, That the bond of the auditor be increased from twenty to one hundred thousand dollars, and that all laws, and parts of laws, in conflict or inconsistent with the provisions of this act, be, and the same are hereby repealed, and that this act be in force, and take effect from and after its passage.

APPROVED, January 10th, 1861.

No. 82.

AN ACT to provide for the election of a tax collector in Chicot county, and a clerk of the county and probate courts of said county.

SECTION

1. Qualified voters to elect a tax collector.
2. To elect a clerk of the court at next general election.

SECTION

3. Duty of present incumbent.
4. All conflicting laws repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the qualified voters of Chicot county, shall, at the next general election of state and county officers in said county, and at each general election of such officers thereafter to be held, elect a collector of taxes for said county, who shall hold his office for two years, and until his successor shall be elected and qualified; *Provided,* That no person shall be eligible to the office of collector of taxes, who is not eligib'e to the office of sheriff, and that such collector shall be governed in all respects, by the laws applicable to his office, and regulating the collection of taxes in said county.

SEC. 2. *Be it further enacted,* That the qualified voters of Chicot county shall, at the next general election of state and county officers, thereafter to be held, elect a clerk of the county and probate courts of said county, who shall hold his office for two years, and until his successor shall be elected and qualified; *Provided,* That no person shall be eligible to the office of clerk of the county and probate courts, who is not eligible to the office of clerk of the circuit court, and that such clerk shall be governed, in all respects, by the laws applicable to his office, and regulating the duties of the clerk of the county and probate courts of said county.

SEC. 3. *Be it further enacted,* That the present incumbents of the two offices, hereinbefore mentioned, shall, at the expiration of their respective offices, turn over to the collector and clerk,

who may be elected under this act, all books, papers or property belonging to their respective offices.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict herewith, be, and the same are, hereby repealed, and that this act take effect and be in force from and after its passage.

APPROVED, January 10th, 1861.

No. 83.

AN ACT *for the amendment of the charter of the city of Des Arc.*

SECTION

1. Charter amended so that the city of

SECTION

Des Arc may take stock in railroads.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the charter of the city of Des Arc be, and the same is hereby amended, so as to authorize and empower said city to subscribe for, and take stock in her corporate name, in any railroad, or railroads, upon whose line, or route, or terminus, said city is situated or connected, and to issue her bonds, and to levy and collect all necessary taxes to pay the interest or principal of the same.

APPROVED, January 10th, 1861.

No. 84.

AN ACT to change the time of holding the terms of the court of Probate, in Drew county.

SECTION

1. When to be held.

SECTION

2. When act to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That hereafter the terms of the court of Probate in Drew county, shall be holden on the third Mondays of January, April, July and October, respectively.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after the first day of January, eighteen hundred and sixty-one.

APPROVED, January 10th, 1861.

No. 85.

AN ACT to repeal secs. 2 and 3, of an act approved 16th February, 1859, preventing the sale of school lands in certain cases, and for other purposes, so far as Marion county is concerned.

SECTION

1. Acts repealed.

2. Last sale confirmed.

SECTION

3. Conflicting laws repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That sections two and three of an act approved February 16th, eighteen hundred and fifty-nine, preventing the sale of school lands in certain cases, be, and the same are hereby repealed, so far as Marion county is concerned.

SEC. 2. *Be it further enacted*, That the last sale of section sixteen, in township number twenty, north of range number eighteen west, and section sixteen, in township twenty-one, and range eighteen, situated in Marion county, or so much thereof as was last sold by the school commissioners of Sugar Loaf township, in which said sixteenth section is situated, be, and the same is hereby confirmed, and the purchaser or purchasers thereof, upon the full payment of the purchase money, and the interest thereon, according to law, shall be entitled to have and receive a good and valid deed in fee simple thereto.

SEC. 3. *Be it further enacted*, That all laws or parts of laws in conflict with this act, be, and they are hereby repealed, and that this act take effect and be in force from and after its passage.

APPROVED, January 10th, 1861.

No. 86.

AN ACT for the benefit of the Pleasant Ridge Academy, in
Bradley county.

SECTION

1. No liquors to be sold in three miles.
2. Penalty for violation of this law.

SECTION

3. Not to apply to practicing physicians.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That it shall not be lawful for any person to sell, barter or exchange, any vinous or ardent spirits, in any quantity whatever, within three miles of the Pleasant Ridge academy, in the county of Bradley, State aforesaid.

SEC. 2. *Be it further enacted*, That any person who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in any

sum not less than one hundred, nor more than two hundred dollars, and every single or separate offence, declared to be a violation of this act, and shall be so punished..

SEC. 3. *Be it further enacted*, That this act is not made to apply to any regular practicing physician, who may sell ardent spirits strictly for medicinal or mechanical purposes; and this act to take effect and be in force from and after the first Monday of February, eighteen hundred and sixty-one.

APPROVED, January 10th, 1861.

No. 87.

AN ACT for the relief of *Mary Elizabeth and Susan Frances Millner*.

SECTION

1. Estate not to escheat; inherited by Mary Elizabeth and Susan Millner.

SECTION

2. Duty of administrator.
3. Act in force from its passage.

WHEREAS, Sarah Millner intermarried with one Beverly C. Ransom, and departed this life without issue by the said Beverly C. Ransom, leaving her surviving two children, the said Mary Elizabeth and Susan Francis Millner, by a former husband; And whereas, The said Beverly C. Ransom departed this life soon after the death of his said wife Sarah, without issue, or any known heir to inherit the estate, which is of the value of about \$500? which by law, escheats to the State of Arkansas; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the estate of the said Beverly C. Ransom shall not escheate, but shall be inherited by the said Mary Elizabeth and Susan Frances Millner, to the same extent and in the same manner, as if they were the children of the said Beverly C. Ransom, begotten in lawful wedlock, saving, however, the

rights of creditors and legal heirs of said Beverly C. Ransom.

SEC. 2. *Be it further enacted*, That it shall be the duty of the administrator of said estate, of said Beverly C. Ransom, or such other persons as may have the custody of the estate of said Beverly C. Ransom, to distribute the said estate between and among the said Mary Elizabeth and Susan Frances Millner, as if they were the only heirs at law of said Beverly C. Ransom.

SEC. 3. *Be it further enacted*, That this act be in force from and after its passage.

APPROVED, January 10th, 1861.

No. 88.

AN ACT declaring Current River a navigable stream, and for other purposes.

SECTION

1. How far navigable.

SECTION

Not to effect price of lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Current river be, and is hereby declared a navigable stream from its mouth on conjunction with Black river, to the Arkansas and Missouri State line.

SEC. 2. That the preceding section hereof, declaring said river a navigable stream, shall not operate to raise or otherwise affect the price of swamp lands upon the banks of said river.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, January 10th, 1861.

No. 89.

AN ACT to provide more fully for the incorporation of the town of Paraclifta.

SECTION

1. Style of corporation.
2. Corporate powers.
3. Citizens of town to elect officers.
4. Who are eligible to any office.
5. Elections when to be held and called.
6. Elections how to be held.
7. Common council to appoint officers and agencies.
8. Mayor and other officers—how qualified.
9. Powers of common council.
10. Style of town ordinances.
11. Powers of corporation defined.
12. How moneys to be disbursed.
13. Common council may grant license mentioned in section 11.
14. Common council may sell real estate.
15. Mayor executive.
16. Compensation and duties of mayor.
17. Judicial power vested in "Mayor's court."
18. Who composes mayor's court.

SECTION

19. Powers of mayor's court.
20. Additional powers.
21. Mayor to issue writs.
22. Additional powers of mayor's court.
23. Mayor to issue writs when.
24. Fines to be worked out—when.
25. Mayor to enforce laws—how.
26. Powers of marshal.
27. Restrictions on mayor's court.
28. Suits by and against the town—how served.
29. Inhabitants of town exempt from road duty.
30. Vacancies, how filled.
31. Oaths of officers.
32. Corporation to use county jail.
33. Process—how served.
34. Mayor's court—additional powers.
35. This a public act.
36. All conflicting laws repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That all the territory, and the inhabitants thereof, in the county of Sevier, and the State of Arkansas, included within the corporate limits of the town of Paraclifta, shall be, and are hereby constructed, created, erected and established a body politic, and corporate, by the name and style of the town of Paraclifta, and by that name shall be known in law and equity, sue and be sued, plead and be impleaded, in all courts of law and equity, having competent jurisdiction; may receive, purchase, hold, sell and convey property, real, personal and mixed, for the benefit of said town; may have a common seal, and may do any and all acts, as natural persons, for and during the term and period of ninety years.*

SEC. 2. The corporate powers and duties of said town shall be vested in and exercised by a mayor and seven aldermen, one town marshal, who shall be elected as hereinafter provided, and such other officers as are hereinafter provided for.

SEC. 3. All officers of said town, made elective by this act, shall be elected by the citizens of said town, living within the corporate limits thereof, having the qualifications of voters for members of the General Assembly of this state, and shall hold their offices for the respective terms hereinafter mentioned and specified, and until their successors shall be duly elected and qualified.

SEC. 4. No person shall be eligible to any office made elective by this act, who does not reside within the limits of said town corporation, and possess the qualifications of a voter.

SEC. 5. There shall be an election held in said town on the first Monday in January, eighteen hundred and sixty-one, and annually thereafter, for the election of town officers, and if for any cause the election shall not be held on the day appointed for holding elections under this act, an election may be ordered by the common council, at such time as they may appoint, which election shall, in all respects, be as legal as if holden on the day appointed by this act, and if a failure should occur in the first election, or at any time after, in the absence of a town council, during the existence of this act, it shall be lawful for six householders of said town to call an election for town officers, under this act, at such times as they may appoint; *Provided*, That no election shall be held under the provisions of this charter, unless fifteen days' notice be given thereof, by written advertisements, put up at four of the most public places in said town, and one at the court house door in said county, or by publication in some newspaper published in said town.

SEC. 6. The election under this act, shall be held in accordance with the general laws of this state, and poll books returned to the clerk of the circuit court for Sevier county, opened and published in accordance with the general laws of this state, then the clerk of the circuit court of Sevier county shall, within five days after the poll books of said election are filed in his

office, grant certificates of election to the officers elected, and forward to the secretary of the State of Arkansas, an abstract of all the votes polled for mayor; *Provided*, That the electors present shall elect the judges and clerks of said election.

SEC. 7. The common council shall appoint, and constitute such other officers and agencies, not established by this act, as may aid and be conducive to the full, free and liberal exercise and enjoyment of the corporate franchises herein conferred, and the powers herein delegated, to define the duties, and fix the fees and emoluments thereof, to appoint persons to fill such offices and agencies, and to remove the same.

SEC. 8. The mayor shall be elected by the qualified voters of said corporation, and shall hold his office for the term of two years, and be commissioned by the governor of the state; the aldermen shall be elected by the qualified voters of said corporation, and hold their office for the term of two years, the town marshal shall be elected by the qualified voters of said corporation, and hold his office for the term of two years, and shall be ex-officio assessor and collector of and for said town, and shall, before entering upon the duties of his office, give bond to the town of Paraclifta, with sufficient security, to be approved by the mayor, conditioned for the faithful discharge of his duties as a town marshal, for the town of Paraclifta.

SEC. 9. All the legislative powers granted by this act, shall be vested in and exercised by a common council, to be composed of the aldermen of said town, which said common council shall hold its sessions at least four times in each year, at such times and place, within the limits of said town, as may be prescribed by ordinance; the common council shall choose their president, and other officers, and judge of the qualifications of its own members, and a majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of its members, in such manner and under such penalties as it may provide, and it may also provide and determine the rules for its own proceedings, punish its members for disorderly conduct, with the concurrence of two-thirds of its members; it shall keep

a journal of its proceedings, and shall have power to adjourn its meetings from day to day, and from time to time.

SEC. 10. The style of all town ordinances shall be, "Be it ordained by the common council of the town of Paraclifta," and all ordinances passed by the common council shall be presented to the mayor for his approval and signature; if he shall refuse to sign the same, it shall not go into effect, unless in case the same shall be passed again by two-thirds of the number present, in which event the same shall go into effect, and be as effectual in every respect, as if the same were approved and signed by the mayor.

SEC. 11. The following powers, with all the powers necessary to provide means to carry the same into effect, are hereby granted to the common council of the town of Paraclifta; first, to levy and collect taxes on all property, real, personal or mixed, within the limits of said town, not exceeding one half of one per centum per annum, on the assessed value thereof. Second, to license and regulate taverns and groceries, billiard tables, top pin alleys, dram shops, auctions, hawkers, peddlers, shows, circuses, theatrical performances, and other exhibitions, and to restrain and prevent tippling houses, gaming houses, and all other disorderly houses; to remove nuisances, to establish night watches and patrols. Third, to prevent the furious and unnecessary driving or riding of any horse, mule, or other animals, within the town limits, and to provide against the unnecessary shooting of guns, pistols, and other fire arms, against drunkenness, and drunken, boisterous, riotous, and disorderly conduct of individuals; against obscene, profane and indecent language, and exhibitions upon the public streets. Fourth, to fix the compensations of town officers, to provide the mode of contesting elections of town officers, to regulate the fees of jurors, witnesses, and others, for services under this act, or any ordinance of the common council. Fifth, to appropriate all monies arising from fines, penalties, forfeitures, taxes, license and provide for the payment of debts, and expenses of said town. Sixth, the common council may legally pass all ordinances, by-laws and edicts, which may be necessary or condu-

sive to the full and effectual exercise of all the powers herein granted, and of such other and further powers, for the establishment of a vigilant and complete government and police, within said town, not in conflict with, or repugnant to the laws of this state, and to sanction and enforce the same by suitable penalties and forfeitures, and by fine, not exceeding one hundred dollars, or by imprisonment in the jail of Sevier county, not exceeding a term of one month, or both.

Sec. 12. No money shall be paid out of the treasury except by appropriations made by the common council; and the mayor shall draw his warrant upon the treasurer for such sums as are ordered by the common council, and none other, and the mayor shall keep a register of all orders drawn upon the treasury, state the number, date, amount, and in whose favor drawn, etc.

Sec. 13. All license mentioned in the (11) eleventh section of this act, shall hereafter be within the exclusive grant of the common council of the town of Paraclifta, and shall not be issued to any person for any such purpose, by the county court of Sevier county.

Sec. 14. The common council shall have power to provide, by ordinance, for the sale of real estate, for the payment of taxes, and provide for the redemption thereof, and shall, in like manner, provide for and authorize collectors to levy upon and sell any personal property in said town, or corporation, for any corporation tax due from the owner thereof, or for any fine imposed under any ordinance of said council.

Sec. 15. All the executive powers granted by this act shall be vested in, and exercised by the mayor.

Sec. 16. The mayor shall, at stated times, receive a compensation for his services, to be prescribed by the common council, and paid out of the town treasury, and the president of the council shall draw his warrant on the town treasurer for the same. Second, he may, by giving notice or by publication in a newspaper published in said town, convene the council when the interest of the town require. Third, he shall, from time to time, give to the common council such information, and recommend to their consideration such measures as he may

deem expedient. Fourth, he shall take care that the ordinances of said town, and the laws of the state, so far as the administration thereof is within the jurisdiction of the corporation courts, shall be faithfully executed. Fifth, he shall have power, after conviction, under the ordinances of said town council, to remit fines and forfeitures, set aside judgments, orders and decrees, and grant new trials, subject to the general laws of this state, in his corporate courts. Sixth, he shall have power to administer oaths, take depositions, and acknowledgments of deeds, mortgages, and other instruments of writing affecting the title of lands, and other property, and certify the same under the seal of said town, which shall be received as good and valid throughout the State of Arkansas; he shall keep the seal of the corporation, and use the same effectually whenever the same is required to be used.

SEC. 17. All the judicial powers granted by this act shall be vested in and exercised by one corporation court, to be styled "The Mayor's court."

SEC. 18. The mayor's court shall be composed of the mayor, who is hereby declared to be the principal judicial officer of said town.

SEC. 19. The mayor's court shall have power to hear and determine, and shall have original jurisdiction, concurrent and co-extensive with justices of the peace, of all civil and criminal matters whatsoever, and shall be vested with, possess and exercise all such powers, duties, rights and privileges, both civil and criminal, as may or can be done, had or exercised by any justice of the peace in and for the county of Sevier, and he shall hold such monthly courts in said town as justices of the peace do in their respective townships, and in the exercise of such jurisdiction, shall proceed in the same manner, and in all things be governed by the same rules of proceeding which shall be at the time in force, regulating and governing justices of the peace, and shall grant appeals to the circuit court of Sevier county, and in all things be subject to the superintendency and control of that court, that justices of the peace by the laws of this state may be at the time.

SEC. 20. And in addition to the powers and authority vested in the mayor's court, by section (19) nineteen of this act, the mayor's court shall have jurisdiction, original, concurrent and co-extensive with the county of Sevier, as justices of the peace have in their respective townships, for which they are elected in this state.

SEC. 21. The mayor shall have power to issue writs, necessary and proper to carry into effect the powers and authority conferred upon him by this act, and all writs shall be under seal of the corporation, and shall be signed by the mayor.

SEC. 22. The mayor's court shall have power and authority to preserve order and good behavior, and enforce the same by fine and imprisonment, and enforce the attendance of witnesses and other persons, served with process by attachment and fine.

SEC. 23. The mayor shall have power to issue writs and have brought before him forthwith, and to hear and determine, and punish in a summary manner, according to the provisions of the ordinances of said town, any and all persons, charged with violating any ordinance of said town council.

SEC. 24. In all cases where any person or persons shall, after due trial in the mayor's court, be found guilty of having violated any ordinance of the town council, and shall not appeal from such decision, and such persons fail to pay the fine as shall be imposed upon him, for such offence, and has no visible means or effects, out of which the proper officer can make the same, it shall be lawful for the mayor at his discretion, to require such person or persons, to work out his or their fine and costs within the limits of said town.

SEC. 25. The mayor shall have power, and it shall be his duty to enforce observance to the ordinances of said town council, and punish offenders against them, or any ordinance of the town council, by fine, and imprisonment in the jail of Sevier county, in accordance with the provisions of said town council.

SEC. 26. The town marshal shall be the ministerial officer of said town and of said mayor's court, and as such shall have power to do and perform all acts necessary to carry into effect the objects of this act, and the ordinances of said town council,

and shall have power to execute and return all processes issued by the mayor, and he may serve civil and criminal process, and subpoena, issued by the mayor in the town, or any part of Sevier county, and shall receive fees therefor.

SEC. 27. No person or persons, party or parties, shall, under the provisions of this act, be deprived of the right of a trial by jury and appeal; *Provided*, That no person shall have the right of appeal from a judgment in said mayor's court, for a fine under ten dollars.

SEC. 28. All suits by or against the corporation, shall be in the name of the town of Paraclifta, and all process against the same shall be served upon the mayor.

SEC. 29. The inhabitants of said town shall be exempt from labor or tax for labor upon the roads and highways of Sevier county, but the said corporation shall be responsible for the good condition and repair of the roads within the limits of said town corporation, and for this purpose the common council, in addition to the taxing powers hereinbefore granted, may levy a street and road tax on each male within said town limits, that is between the age of eighteen and fifty years, and the county of Sevier shall be exempt from working the roads within said corporate limits.

SEC. 30. Whenever the office of mayor shall become vacant by death, resignation, or removal, or otherwise, the president of the council shall be mayor pro tem, until the common council order an election, and a mayor shall be elected and commissioned, and when the office of alderman or town marshal shall become vacant by death, resignation, or otherwise, the mayor shall fill such office by appointment, until such office shall be filled by election.

SEC. 31. The mayor, aldermen, and town marshal and all other officers, shall, upon entering upon the duties of their respective offices, take and subscribe an oath to support the constitution of the United States, and the State of Arkansas, and faithfully to demean themselves in office, which oaths may be administered by the mayor, or any judge, or justice of the peace in Sevier county.

SEC. 32. The mayor and mayor's court, shall have the use of the county jail of Sevier county, and also the court rooms in the court house in said county, when not occupied by the courts of record of said county; provided the said corporation shall pay the expenses of keeping the persons put in said jail by said corporation.

SEC. 33. All process issued by the mayor shall run in the name of the State of Arkansas, and may be directed to the town marshal of the town of Paraclifta, to the sheriff of Sevier county, or to any constable in Sevier county.

SEC. 34. The mayor's court shall have power to enforce the collections of fines and forfeitures by execution, levy and sale, if personal property belonging to the defendant in the judgment.

SEC. 35. This act is hereby declared to be a public act, and shall be so regarded and received in all the courts of this state, without being especially pleaded or proven.

SEC. 36. That all laws that conflict with the provisions of this act be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

APPROVED, January 10th, 1861.

No. 90.

AN ACT to authorize the clerk of the circuit court and ex-officio recorder of Randolph county to transcribe the assessment lists of said county.

SECTION

1. To transcribe assessment lists made from 1838 to 1858 inclusive.
2. Compensation for services.

SECTION

3. County court to draw on treasure of said county in favor of said clerk.
4. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the clerk of the circuit court and ex-officio recorder of Randolph county be authorized and required to transcribe, in well bound books, suitable for the purpose, all the assessment lists made in said Randolph county from the year 1838 to the year 1858, inclusive.

SEC. 2. *Be it further enacted*, That the said clerk and ex-officio recorder shall receive for his services, for said work, such compensation as is by law usually allowed for similar services, to be paid out of any funds in the county treasury, not otherwise appropriated.

SEC. 3. *Be it further enacted*, That the county court, when such transcript shall have been fully made and completed, shall draw an order on the treasurer of said county, in favor of said clerk and ex-officio recorder, to be paid by said treasurer.

SEC. 4. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, January 10th, 1861.

No. 91.

AN ACT for the relief of John D. Adams.

PREFAMBLE.

Lands described.

SECTION

1. Governor authorized to make a deed

WHEREAS, John W. Underwood, on the 31st day of July, 1855, entered and purchased of the state land agent, at Helena, the north-west part of the south-west fractional quarter of section nine, and the north-east fractional quarter of the south-east fractional quarter of section eight, east of White river, in

township three, north of range four west, containing twenty-one acres of first class land, and received a certificate of purchase therefor, numbered 2,236; which certificate, the said Underwood, on the 2d day of March, 1858, for a full and valuable consideration, did assign unto Edward Wild; and the said Wild, on the 5th day of March, 1858, for a full and valuable consideration, did assign the same to John L. Minton; and the said Minton, on the 21st day of September, 1858, for a full and valuable consideration, did assign said certificate to John D. Adams; *And whereas*, Said first two assignments are informal, though made in good faith, so that a deed cannot be made to the last assignee, and the assignors are now dead, or removed beyond the limits of the state, so they cannot now perfect their said informal assignments, or put the same in strictly legal and technical form; therefore,

Be it enacted by the General Assembly of the State of Arkansas, That the governor of this state be, and he is, hereby authorized to make a deed, as now provided by law for making deeds to purchasers of swamp and overflowed lands, to John D. Adams, as the last assignee and bona fide owner and holder of Helena certificate No. 2,236, for the tracts of land therein described; *Provided*, The auditor shall certify that the said tracts of land are patented to the state as swamp and overflowed lands, and the purchase money therefor has been paid into the state treasury.

APPROVED, January 10th, 1861.

No. 92.

AN ACT to define the punishment of crimes in certain cases.

SECTION

1. Death the penalty for exciting slaves to rebel, etc.

SECTION

2. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That whoever shall be convicted of exciting or encouraging any slave to rebellion, or of arming with a deadly weapon, or furnishing any slave with any poison, for the purpose of murder or insurrection, shall suffer death.

SEC: 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, January 10th, 1861.

No. 93.

AN ACT to repeal an act entitled an act to repeal an act entitled an act declaring Petit Jean creek a navigable stream, approved 17th November, 1858.

SECTION

1. Act revived declaring Petit Jean a navigable stream.

SECTION

2. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the act of the General Assembly, approved 17th November, eighteen hundred and fifty-eight, entitled an act to repeal an act declaring Petit Jean creek a navigable

stream, be, and the same is, hereby repealed, and the act approved January the 14th, eighteen hundred and forty-two, declaring Petit Jean creek, in Yell county, a navigable stream, be, and the same is, hereby in all respects revived, as though the same were re-enacted, in words, by the General Assembly.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, January 10th, 1861.

No. 94.

AN ACT for the relief of Van Buren county.

SECTION

1. County court authorized to borrow from internal improvement fund.
2. Secretary of state to furnish Van

SECTION

- Buren county with Gould's Digest.
3. Extended to Mississippi county.

WHEREAS, On the night of the 27th of February, eighteen hundred and fifty-eight, the court-house in and of said county was destroyed by fire, and with it were destroyed those copies of the Digest of Statutes which were sent to that county for the use of the officers thereof, whereby said officers failed to get the Digest according to the distribution thereof made by law; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the county court of Van Buren county be, and is, hereby authorized to borrow from, and appropriate a part of the internal improvement fund of said county, not to exceed five thousand dollars, for the purpose of building a court-house, and repairing the jail for said county, and shall use the same for a term of years, securing, by order of court,

or otherwise, the repayment of said sum to the said internal improvement fund, at the expiration of said term of years, with interest at the rate of six per cent. per annum.

SEC. 2. The secretary of state be, and he is, hereby authorized and required to forward to the clerk of Van Buren county the number of Gould's Digest to which said county is entitled under the act providing for the distribution of same.

SEC. 3. *And be it further enacted*, That the provisions of this act be extended to Mississippi county; *Provided, however*, That no more decisions of the supreme court shall be furnished to the county of Mississippi than shall have been certified by the clerk of the circuit court thereof to be wanting, and not in his office; and this act be in force from its passage.

APPROVED, January 10th, 1861.

No. 95.

AN ACT to incorporate the Trustees of Hillsboro Male and Female Academy, in Union county, and to prevent the sale of spirituous liquors within three miles of the town of Hillsboro.

SECTION

1. Site and title of academy.
2. Names of trustees.
3. Organization of board of trustees.
4. Duties, rights and privileges of trustees and corporation.
5. Property exempt from taxation.

SECTION

6. The sale of liquors in three miles forbidden.
7. Proviso to section six.
8. Penalty for violating sections six and seven.
9. Duty of circuit judge.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That an institution of learning be, and the same is hereby established in the town of Hillsboro, in Union county, to be styled the Hillsboro Male and Female Academy.

Sec. 2. The following named persons are hereby appointed and constituted trustees of said academy, viz: Nat. Bussey, W. G. P. Williams and E. A. Hammond; and said trustees, and their successors, are hereby declared to be a body politic and corporate, by the name and description of the President and Trustees of the Hillsboro Male and Female Academy, and by that name shall have succession for ninety years, and be enabled to have and to hold property, real, personal, or mixed, by purchase, alienation, donation, or otherwise, for the benefit of said academy.

Sec. 3. There shall be a meeting of the said trustees called by, and at the instance of a majority of them, upon giving five days' notice, in writing, to the other trustees, of the time and place of meeting, and they shall then proceed to elect two other trustees, and the five shall then proceed to elect one of their body as president of the board of said trustees, and the president shall have power to call a meeting of the said board of trustees whenever, in his judgment, it may be necessary, and a majority of the said trustees, when assembled, shall form a quorum to transact business.

Sec. 4. Said incorporate body may have a common seal, and the same to alter and change at pleasure, may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity having jurisdiction; may dispose of, and make title to said property, for the benefit of said academy, and shall have power to construct all necessary buildings; to purchase and provide such books, implements, apparatus, etc., as they may think proper for the use of said academy, and to make such by-laws, rules and regulations for the government of said academy, teachers, and pupils, as they may think advisable, and to elect or employ such teachers, agents, etc., as they may deem necessary, and in general, to do and perform any and all acts which, in their judgment, may be necessary for the general interest of said academy, in as full and ample a manner as any body corporate or politic could do; *Provided*, That they shall not do anything that conflicts with the laws of this state, or this act.

SEC. 5. All lands and other property owned and held by said corporation, for the benefit of said academy, shall be exempt from taxation.

SEC. 6. *Be it further enacted*, That after the first day of January, A. D., eighteen hundred and sixty-one, it shall not be lawful for any person to sell, by wholesale or retail, any spirituous or vinous liquors, except for medical or mechanical purposes, within three miles of said town of Hillsboro.

SEC. 7. *Be it further enacted*, That any person or persons who may desire to engage in the sale of spirituous liquors, for the herein enumerated purposes, shall first go before an acting magistrate of the township in which the academy is situated, and make oath, that he or they will, in no case, sell, or allow to be sold, by clerks or others, vinous liquors, except for the purposes herein enumerated.

SEC. 8. *Be it further enacted*, That any person or persons who shall violate the provisions of sections six and seven, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than twenty-five, nor more than fifty dollars.

SEC. 9. *Be it further enacted*, That it shall be the duty of the judge of the circuit court, at each session of said court, in and for the county of Union, to give the above section in charge to the grand jury.

APPROVED, January 10th, 1861.

No. 96.

AN ACT to amend and reduce into one law an act approved December 14th, 1854, incorporating the town of Hamburg, in the county of Ashley, and an act to amend the same, approved February 21st, 1859.

SECTION

1. Boundaries and limitations of corporation.
2. Style of corporation, etc.
3. Board of officers—mayor, five aldermen, recorder, etc.
4. Mayor to preside at meeting of the board.
5. Duties of mayor.

SECTION

6. Duties of town constable.
7. Mayor to keep record of his court.
8. Former acts repealed.
9. Change in style of aldermen and councilmen.
10. Act to take effect when approved.
11. Duties of town constable, policemen, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the inhabitants of the town of Hamburg, in the county of Ashley, within the following limits be, and the same are hereby created a body corporate, to-wit: beginning at a stake, the north-east corner of the south-east quarter of the south-east quarter of section fourteen, in township seventeen south, range seven west, running thence south one hundred and ten yards, to a stake; thence west two hundred and twenty yards, to a stake; thence south five hundred and fifty yards, to a stake; thence west one mile, to a stake; thence north one mile to a stake; thence east one mile, to a stake; thence south to the north boundary line of the above named south-east quarter of the south-east quarter of section fourteen, township seventeen south, range seven west; thence east to the beginning, the usual variation of the needle being allowed in running said lines.

SEC. 2. The style of said corporation shall be, the corporation of the town of Hamburg, and said inhabitants and their successors, for the term of ninety-nine years, shall be a body politic and corporate, in deed and in fact, and in such corporate capacity; and by such, their corporate name and style, shall be able in law and equity, to have, purchase, receive, possess, and enjoy lands, tenements, hereditaments, franchises,

jurisdictions, goods and chattels, and to grant, bargain, sell and convey the same; to sue and be sued, plead and be impleaded, in any court of justice whatever, and to make and use a common seal, and the same to alter or renew at pleasure.

SEC. 3. The executive board of officers of said corporation shall be one mayor and five aldermen; there shall also be a town constable and a recorder, but the board may provide that one of its members act as recorder, and the mayor may, at any time, appoint any number of persons he may deem expedient to act as police, to arrest any person, or to assist the town constable in making any arrest, or enforcing obedience to any by-law or ordinance of the corporation, and the members of such police shall, for the specified purpose, have the same power as the town constable; it shall also be lawful for the board to appoint a mayor pro tem., to act in the absence of the regular mayor, and the entry of such appointment on the minute book of the board, shall be full proof of his authority so to act. The mayor, aldermen, and town constable shall be elected on the first Monday in March of each year; but if, from any cause, the election be not held on that day, it may be held on any subsequent day, and vacancies in the office of town constable may be filled by the board, but any vacancy in the office of mayor shall be filled by election of the people. The recorder shall be elected, and vacancies in said office filled by appointment of the board; the term of office of all said officers shall be until the first Monday in March next ensuing the election or appointment, and until the election and qualification of the successor of any such officer, but the board shall have power to declare the office of town constable vacant for misconduct, neglect of duty, or incapacity of the incumbent, at any time. All elections by the people, to be held as aforesaid, shall be holden by the sheriff of Ashley county, at the court-house, in Hamburg, after first giving five days' notice of the same, by advertisement, in writing, put up at the court-house door; he shall appoint the judges and clerks, who shall possess the same qualifications, and the election be conducted as prescribed by law in other cases; the voters shall possess the qualifications pre-

scribed by law to entitle them to vote for members of the General Assembly, and shall reside within the limits of the corporation, as shall also all persons holding office in the corporation; the clerk of the circuit court shall assist in counting the votes, and when certified, the poll books, and also the ballots shall be deposited in his office, and he shall give to each person elected, a certificate of his election, attested by his seal of office, and the same shall be sufficient evidence of the official character of any such officer, without other commission. The town constable shall enter into bond to the corporation of the town of Hamburg, with at least two securities of undoubted solvency, in such sum, and with such conditions as may be required by the board, and the recorder, who shall be the treasurer of the corporation, shall, if required by the board, give bond in like manner; and the board of mayor and aldermen shall have power to create it a misdemeanor for any town constable or recorder to fail to account for, and pay over, in accordance with the order of the board, any money received in virtue of such office, and to make the same punishable by imprisonment till such moneys and costs be paid. The compensation of all officers shall be affixed by the board, and the payment of the same provided for, and each officer, before entering on the discharge of his office, shall take an oath before the clerk of the circuit court, or the mayor, faithfully and impartially to discharge the duties of such office to the best of his ability.

SEC. 4. At all meetings of the board, the mayor shall preside, but shall not vote except in case of a tie, when he may give the casting vote, and a fair record of the proceedings shall be kept by the recorder, and at the end of the proceedings of each meeting, be signed by the mayor, and the mayor and three aldermen shall constitute a quorum sufficient for the transaction of any business, and shall have power to make such rules, regulations, ordinances and by-laws, for the good government of said corporation as they may deem expedient; also, to create and define misdemeanors, and to provide for the arrest and punishment, by fine or imprisonment, or both fine and imprisonment, of any and all persons, for the violation or

non-observance of any by-laws, ordinance, rule or regulation they may adopt; also, to prevent, define and remove nuisances, to restrain and prohibit gaming and disorderly houses; to establish patrols, and prevent the improper assembling of slaves; to cause the streets and roads within the limits of said corporation to be opened, and new ones laid out when necessary, and keep the same in good repair; to provide for the paving of side walks, the prevention and extinguishment of fires, and generally, to adopt any and all rules, regulations and by-laws for the government of said community, which they may deem necessary to effect the moral and sanitary good of the same; also, to levy and collect taxes by an equal ad valorem assessment on all property within the corporate limits which is subject to taxation by the general laws of the State; *Provided*, That no levy shall be made exceeding one fourth of one per centum on the assessed value of such property in any one year, and to enforce payment of any tax by seizure, distress, levy and sale of any property of the tax payer; also, to assess a poll tax on all persons residing within the corporate limits, subject to poll tax by the general laws of the State, and to make the non-payment of such poll tax, or the failure of individuals to work the streets and roads in the corporate limits, or to work on the same diligently, misdemeanors, and punishable accordingly; said board of mayor and aldermen shall also have power to make the selling of any spirituous, vinous, or intoxicating liquors, in less quantities than a gallon, within the corporate limits, a misdemeanor and punishable accordingly, and shall moreover have the exclusive right of granting licenses for dram shops, exhibitions, shows and peddlers, within the corporate limits; *Provided*, That no license for any dram shops, tippling houses, or other store or house for the retail of spirituous, vinous or intoxicating liquors, in less quantities than one quart shall be granted, except upon the petition of a majority of the voters of the corporation; said board shall also have power to provide for the erection of a guard house and market house within said corporate limits, and to direct the usages of marketing therein, and shall, until such guard house be erected,

and afterwards, if any exigency require it, have the use of one or more cells in the jail of Ashley county, when the same shall not be in actual use by the State authorities; and all fines, forfeitures, taxes and moneys to be received in commutation of labor on streets and roads, and for licenses, and all other revenues, shall be appropriated by the said board as it shall deem most for the good of the said corporation, and the same shall be paid out by the recorder only, on the order of the board; and said mayor and aldermen shall have power to make any and all by-laws, rules and regulations necessary to carry out the ends and purposes contemplated by this act; *Provided*, The same be not repugnant to the constitution of the United States or the State of Arkansas.

SEC. 5. The mayor of said town shall be the executive thereof, and shall be conservator of the peace within the limits of said corporation, and for causing arrests to be made, for taking recognizance, for keeping the peace, and for sitting as an enquiring court, and recognizing persons charged with offences against the criminal laws of the State, and prosecutions and witnesses for their appearance before the circuit court; said mayor shall possess the same power as justices of the peace now have or hereafter shall have within their respective jurisdictions, and for the purpose of carrying out the powers in this section above enumerated, as well as for the purpose of arresting and bringing to punishment, offenders against the by-laws of said corporation, and causing the collection of fines, forfeitures, taxes, costs, etc.; said mayor shall have power to issue, without seal, any warrant, summons or execution, and the same shall run in the name of the State of Arkansas, and be directed to the town constable, or if there be no town constable, or if he be disqualified, or fail or refush to act, or be not at hand, such process may be directed to one or any number of special town constables therein named and designated, who, for that purpose, shall possess the same power as the regular town constable; and such officer or officers may execute such process any where within the county of Ashley, or in case it be for the arrest of any one charged with a felony, may

execute the same any where within the State of Arkansas, and any offender or delinquent so to be brought before said mayor; he shall have power to try and imprison, or fine, or both imprison and fine, or recognize with or without sureties, or discharge, according to the nature of the case, and the proof and the by-laws of the corporation, and the provisions of this act, and the general law of the land; the defendant ought however in any such proceedings, except in case of recognizance, to prevent breaches of the peace, shall have the right to appeal to the circuit court on making the affidavit required by law in other cases, and entering into recognizance before such mayor in such penalty, and with such security as shall be satisfactory to the mayor, conditioned that such defendant shall prosecute his appeal without delay; and if the same be affirmed in whole, or in part, or be dismissed, or from any cause, or to any extent be ineffectual, that he will perform the judgment appealed from to the extent, and in such respect, as the same may not be abrogated, or annulled by any action of the circuit court, and that he will perform such judgment as may be rendered by the circuit court, for him to perform and suffer, and render himself in custody of the town constable if he be adjudged by the circuit court to be held in custody, or if any part of the mayor's judgment consigning him into custody be not abrogated or annulled by the circuit court; and in all other particulars, such appeal shall be proceeded in and tried in the circuit court as in all other cases.

SEC. 6. The town constable shall be ex-officio assessor and collector of taxes within the corporation limits; and the recorder shall be ex-officio treasurer of the same; said corporate limits shall be a road district, and the public streets and roads therein shall be liable to be worked and kept in repair as other roads and highways; the town constable shall be overseer of the roads and streets in said district, and for misfeasance or neglect of duty as such, shall be liable to indictment or presentment in the circuit court as in case of other overseers of roads; and all persons residing within the corporate limits who would otherwise be subject to road duty, except minors boarding therein

for the express purpose of going to school, shall be subject to road duty within the corporate limits, and exempt from road duty beyond said limits, and shall be summoned by the town constable to work, and be liable to work as in other cases; *Provided*, That any person for himself, his slaves or other persons under his control, may commute any day or days of labor which he, or such slaves or other persons, may be liable to do, by payment beforehand to the recorder of one dollar per day for each day, himself or slave, or other person may be summoned to work, for which the recorder shall give a receipt specifying the hands and the days work in lieu of which the money is paid.

SEC. 7. The mayor sitting in the trial of such matters as by this law he is empowered to hear and try, shall keep a record of his doings, and if demanded, shall allow any person brought before him upon any charge, the benefit of a trial by jury, and he shall render judgment in accordance with their verdict, and said jurors shall be entitled to one dollar per day for their attendance, and the same, together with the constable's fees, if not made out of the defendant, shall be paid out of the corporation treasury by order of the board.

SEC. 8. All of the act approved, December 14th, eighteen hundred and fifty-four, incorporating the town of Hamburg, and an act to amend the same, approved February 21st, eighteen hundred and fifty-nine, are hereby repealed.

SEC. 9. From and after the taking effect of this act, the style of the present alderman of the town of Hamburg, shall be the mayor of said town; and the style of the present councilmen of said town, shall be the aldermen of the same; and said officers shall have the same powers as is by this act given to the mayor and aldermen of said corporation.

SEC. 10.. This act shall take effect from and after its approval by the Governor.

SEC. 11. Any town constable, special town constable or policeman, shall have authority to arrest violators of the by-laws of the corporation, under like circumstances as sheriffs and other constables are authorized to make arrests, and may

use like force, and shall be in like manner excusable or justifiable in their acts.

APPROVED, January 10th, 1861.

No. 97.

AN ACT to provide for the election of a Tax Assessor in the county of Lafayette.

SECTION

1. Sec. 7, chap. 148, of Gould's Digest repealed.
2. An assessor to be elected on fourth Monday in January, 1861.

SECTION

3. Assessor to give bond, etc.
4. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That section seven, of chapter one hundred and forty-eight of Gould's Digest be, and the same is, hereby repealed, so far as the county of Lafayette is concerned.

SEC. 2. *Be it further enacted*, That the qualified voters of Lafayette county shall elect an assessor for said county, on the fourth Monday in January, eighteen hundred and sixty-one, and on the first Monday in August, eighteen hundred and sixty-two, and every two years thereafter, who shall be assessor of taxes for said county, and shall hold his office until his successor is elected and qualified.

SEC. 3. *Be it further enacted*, That said assessor shall give bond, and be governed by the laws now in force, governing and regulating the assessment of taxes in this state, and shall receive as a full compensation for his services two and a half per cent. on the amount of taxes levied.

SEC. 4. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, January 10th, 1861.

No. 98.

AN ACT to incorporate the town of Jonesboro, in the county of Craighead.

SECTION

1. Town limits.
2. The act incorporating Greenwood,

SECTION

- Sebastian county, adopted—with what alterations.
3. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the town of Jonesboro, in the county of Craighead, in the State of Arkansas, embracing the following limits, that is to say: one square mile, embracing the public square, which shall be in the center of said square mile, be, and the same is, hereby incorporated.

SEC. 2. *Be it further enacted*, That an act of the General Assembly, entitled an act to incorporate the town of Greenwood, in Sebastian county, Arkansas, approved 22d of November, 1858, together with all its provisions, rights, immunities and privileges, be, and the same is, adopted as the charter of the said town of Jonesboro, with the following alterations, to-wit: The first election for mayor, councilmen and constable, shall be holden on the first Monday in April, A. D. eighteen hundred and sixty-one, and on the first Monday in January every year thereafter; and that, until after the first election under this act, R. Ransom shall act as mayor, John J. Hillis, J. N. Pollard, J. W. Ransom, J. B. Hillis, Wm. Puryear, as councilmen, and J. W. Chisenhall, as constable.

SEC. 3. *Be it further enacted*, That this act, and the said act incorporating said town of Greenwood, as hereinbefore mentioned, shall be in force as the charter of said town of Jonesboro, from and after the passage of this act.

APPROVED, January 10th, 1861.

No. 99.

AN ACT *to permit certain free negroes and mulattoes, still in the state, to remain until the first day of January, 1863.*

SECTION

1. Operation of act, approved February

SECTION

12th, 1859, suspended till 1st day of January, 1863.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all free negroes and mulattoes, now within the limits of this state, who are held in duress, or by operation of law, be, and they are, hereby permitted to remain until the first day of January, 1863, free and exempt from the operation of an act approved February 12th, 1859, requiring all free negroes and mulattoes to leave the state, until that time.

APPROVED, January 10th, 1861.

No. 100.

AN ACT *for the relief of Alexander F. Kendall, sheriff and collector of Jefferson county.*

SECTION

1. Affidavit of assessor legalized.

SECTION

Act in force from its passage.

WHEREAS, Alexander F. Kendall, sheriff of Jefferson county, through mistake and inadvertence, did not file his affidavit as assessor of said county, until the 11th day of January, A. D. 1861; therefore,

Be it enacted by the General Assembly of the State of Arkansas, That the affidavit made and filed in the office of the clerk of said county, by said sheriff and ex-officio assessor, shall be, in all respects, valid and effectual, and with like effect as if the same had been made and filed on or before the tenth day of said month, and no official act or duty of said sheriff or collector shall be, in any wise, impaired by said omission, and this act shall take effect and be in force from and after its passage.

APPROVED, January 12th, 1861.

No. 101.

AN ACT *supplementary to an act entitled "An act to encourage internal improvements," approved January 3d, 1861.*

SECTION

1. Mortgage of the company to be approved before appropriation for railroad shall be drawn from trea-

SECTION

surv. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State*

of Arkansas, That before the amount appropriated by the first section of the act to which this is a supplement shall be loaned to the Memphis and Little Rock railroad company, the mortgage and guaranty, therein required to be given to the state by said company, shall be approved by the governor; and, whenever the governor shall approve such mortgage and guaranty, he shall issue an order to the auditor to draw his warrant upon the treasurer, in favor of the president of said company, for the sum of one hundred thousand dollars, out of the five per cent. fund, which warrant shall be paid by the treasurer on presentation.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

APPROVED, January 12th, 1861.

No. 102.

AN ACT to authorize the common school commissioners in this state to sell the sixteenth sections at private sale, in certain cases.

SECTION

1. Common school commissioners authorized to sell portions of sixteenth sections, in certain cases, on peti-

SECTION

- tion and affidavit, at not less than \$2 per acre.
2. All conflicting laws repealed, and act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That whenever it shall be made to appear to any of the common school commissioners in this state, by the petition of a majority of the white male inhabitants of any township, or fractional township, over the age of twenty-one years, supported by the affidavit of one or more respectable citizens,

that any person or persons had settled upon or improved any portion of the sixteenth section in any of the townships, or fractional townships in this state, before such lands had been sectionalized, in such cases, it shall be the duty of such common school commissioner to sell any part of such sixteenth section so settled upon and improved, in accordance with the legal subdivisions, to such person or persons making such settlement or improvements, or to their widows or children, at private sale, at such price as may be specified in the petition aforesaid, on a credit of five years, to bear interest at the rate of eight per centum per annum, payable semi-annually in advance; *Provided*, That no sale shall be made under the provisions of this act at a less sum than two dollars an acre.

SEC. 2. All laws and parts of laws, in conflict with this act, be, and the same are hereby repealed, and this act shall be in force from and after its passage.

APPROVED, January 14th, 1861.

No. 103.

AN ACT to incorporate the Little Rock Gas Light Company.

SECTION

1. Certain named persons incorporated as "Little Rock Gas Light Company;" objects of the corporation; its powers and duties; charter to continue 99 years.
2. Further powers of the company.
3. Capital stock \$35,000; and may increase it to \$50,000, by a vote of two-thirds of the stockholders; may vote by proxy.
4. Certificates of stock heretofore issued, made valid; how.
5. President and seven directors to be elected annually; may appoint sec-

SECTION

- retary and other officers; their powers and duties; vacancies, how filled;
6. Term of office of president and directors; failing to hold an election at the time fixed; may hold one at other times.
7. Company to be confined within the objects of the charter.
8. Penalty for injuring property and fixtures of company.
9. Company may sell stock to secure payment of installments.
10. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Sterling H. Tucker, Charles P. Bertrand, George C. Watkins, James A. Slaughter, Peter Hanger, Roderick L. Dodge, William W. Adams, Samuel H. Hempstead, John D. Adams, John Robins, David C. Fulton, William E. Woodruff, F. A. Moody, Albert W. Webb and other associates, who may have become stockholders in said company, either by original subscription for stock, or by transfer thereof, or who may hereafter become such stockholders, be, and they are hereby created a body corporate and politic, with succession for themselves, and their successors, for the term of ninety-nine years, by the style and title of "The Little Rock gas light company;" and by that name shall be capable of contracting and being contracted with, suing and being sued, pleading and be impleaded, with power to acquire, hold and occupy, lease or rent all such real estate, buildings and tenements, and personal property as may be requisite, in the opinion of said company, for the construction, or use, or management, of the works of said company, for the purpose of making and furnishing gas light and fixtures, and gas apparatus, to customers and consumers, within the city of Little Rock and immediate vicinity, or for the securing of debts due said company, or obtain the collection thereof; and shall have a common seal, and alter and change the same at pleasure.

SEC. 2. The corporation hereby created, shall have full power and authority to keep up and maintain the gas works already established in the said city, with the fixtures or appurtenances thereto, or to construct and keep up and maintain additional gas-works, and erect the necessary fixtures, posts, appurtenances and pipes, for lighting with gas, the streets, alleys, levees wharfs, landings and the public and private dwellings, and places in the city of Little Rock and its vicinity, where gas may be required.

SEC. 3. The capital stock of the said company shall be thirty-five thousand dollars, and which has been already taken, and may be increased to fifty thousand dollars, at such times as may be deemed advisable by the stockholders, but no increase

shall be made in the capital stock, except by a vote of two-thirds of all the stock held by the stockholders; each share of stock being entitled to one vote, which may be given in person or by proxy, in that, as in all other matters.

*SEC. 4. Certificates of stock in said company heretofore issued, signed by the president, and countersigned by the secretary of the said company, or stock held on the books of the company, shall be sufficient to entitle the person owning or holding the same, to be considered a stockholder in said corporation; but no stock shall, at any time, be issued or sold beyond the amount aforesaid, nor otherwise than upon subscription or transfer, in such mode as may be designated by the by-laws of said corporation.

SEC. 5. For managing the affairs of the said corporation, there shall be elected annually, a president and seven directors, who shall serve for one year; and the majority of the stock shall be necessary to a choice; and the president and directors may appoint a secretary, and make him ex-officio treasurer of the corporation, or appoint both, if necessary, and such other officers or conductors, or superintendents, or agents, as may be necessary to manage, conduct or dispose of the business of the said corporation, and may establish such by-laws for that purpose as may be necessary, the same not being contrary to the constitution of the United States, or the constitution and laws of this State, or inconsistent with the objects and purposes of this corporation; the said directors may take security from any of said officers, for the faithful discharge of their duties, and remove them for just cause, and elect others in their place and fill vacancies.

SEC. 6. The president and directors and other officers, shall hold their offices, respectively, until their successors are elected and accepted; and if an election for president and directors should not be had at the time fixed by the by-laws, or at the proper time, it shall not thereby affect the corporation, but it shall be lawful to hold such election on any other day, in such manner and upon such notice as may be prescribed by the by-laws of the said corporation.

SEC. 7. The said corporation shall not engage in any other business or adventure, than that herein prescribed, nor contract or incur any debts, or assume any liabilities for any other purpose than that for which this corporation is established; nor shall any stockholder be liable at any time, beyond the amount of stock held by him, on any liability of the company.

SEC. 8. Any person who shall willfully injure or cause to be injured, any of the property of the said corporation, or who shall open a communication into the street gas-pipes, or break the said pipes, or let on gas after the same has been stopped by an agent of the company, or break or destroy the lamps or lamp-posts, or break, injure or destroy any of the fixtures of the gas works, shall be subject to a penalty of not less than fifty, nor more than five hundred dollars, recoverable by the company in an action of debt in any court of competent jurisdiction.

SEC. 9. If any subscriber for stock shall fail to pay up the same, or any installments due thereon, when required, the company shall have the power to sell or transfer the same in such manner as may be prescribed by the by-laws, and the installments that may have been paid thereon, shall be forfeited.

SEC. 10. This act shall be in force from and after its passage.

APPROVED, January 14th, 1861.

No. 104.

AN ACT to provide for making a drain from Old Town Lake, to the Yellow Banks Bayou, in Phillips county.

SECTION

1. Governor authorized to have Old Town Lake drained within six months.

SECTION

2. Where ditch or drain located; levee inspector to let out contract; ditch; how paid for.

SECTION

3. Persons damaged by ditch or drain,
how redressed.

SECTION

4. This act deemed a public act; act in
force from its passage.

WHEREAS, it appears from the petition of sundry citizens of Phillips county, in the State of Arkansas, that in consequence of building a levee on the Mississippi river in said county, across the outlet of Old Town Lake, that a vast quantity of seepage and rain water is constantly accumulating in said lake, which causes serious injury, not only to the cultivation of the lands adjacent, embracing one of the most valuable portions of country in the whole Mississippi bottom, but is also calculated to produce sickness and disease; *And whereas*, It is likewise represented that various ineffectual efforts have been made to drain off the water so accumulated, at a heavy outlay and expense to many persons interested; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That for the purpose of draining off the seepage and rain water accumulating from time to time in Old Town Lake, in Phillips county, in said state, the governor of said state, is hereby authorized and directed to cause a ditch or drain to be located by the state engineer, within six months from and after the passage of this act, in accordance with the laws now in force regulating the leveeing and draining of swamp and overflowed lands, upon the most suitable ground, and of sufficient capacity for the purpose intended, which said ditch or drain shall extend across the lower end of Old Town ridge, from Old Town lake to the Yellow Banks bayou, and inside of the levee.

SEC. 2. *Be it further enacted*, That when said ditch or drain shall be located as hereinbefore provided for, the levee inspector of the district in which the same may be situated, shall have full power and authority, and is hereby required, to let out a contract for the construction thereof, in the manner prescribed by the acts of this General Assembly, providing for making and repairing levees in the counties of Desha and Phillips; and the construction of said ditch or drain, shall, in all respects, as far as practicable, be governed by the laws relating to the making and repairing of levees in the said counties of Desha

and Phillips; except that the payment for said work, and for any damages that may be assessed in consequence thereof, shall be made out of the funds of the levee district embracing the lands lying immediately north of, and above said ditch or drain, whether the ditch or drain be in said levee district or not.

SEC. 3. *Be it further enacted*, That if any person or persons, through whose lands the said ditch or drain may be located, shall feel aggrieved thereby, such person or persons shall have the same remedy as is now provided by law in the case of levees; and if any other person or persons shall be damaged by the construction of said ditch or drain, he or they shall be entitled to and have the benefit of all the legal remedies now existing in the case of levees.

SEC. 4. *Be it further enacted*, That this act shall be deemed a public act; and shall take effect and be in force from and after its passage.

APPROVED, January 14th, 1861.

No. 105.

AN ACT to provide for a State Convention.

SECTION

1. Governor to cause election for convention to be held 18th February, 1861.
2. Delegates made special returning officers to bring up vote. Governor, auditor, treasurer, and secretary of state to open returns. If a majority of votes are for convention, governor to issue proclamation to convene delegates in capitol.
3. Compensation of delegates for bringing up vote—how paid.

SECTION

4. Compensation of officers and members of convention.
5. Number of delegates county entitled to.
6. Fifty members a quorum.
7. Contested elections how decided.
8. Duty of the convention.
9. Appropriation to pay expenses of convention.
10. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the governor shall issue his proclamation, ordering an election in all the counties in this state, submitting to the people the question of "convention" or "no convention," to be held on the eighteenth day of February, 1861, which election shall be conducted as state elections are now conducted; *Provided*, That the sheriffs of the several counties shall be required to give but ten days' notice of said election.

SEC. 2. *Be it further enacted*, That at said election the people shall also vote for a delegate or delegates to said convention, and each delegate elected shall be made a special returning officer, and shall bring up the certified vote of his county on the question of convention or no convention, which vote from all the counties shall be opened by the governor, auditor, treasurer and secretary of state, or any three of them, on the second day of March, 1861, and if, on counting the vote of all the counties of this state, it shall appear that a majority of all the votes cast are for a convention, then the governor shall immediately issue his proclamation requiring the delegates elected as aforesaid, to convene in the capitol on the following Monday, and organize themselves into a state convention by the election of a president, and such other officers as may be required, and in case of sickness or any other unavoidable cause to prevent any delegate to the convention from getting to the capital, he shall have power to send up the returns of his county, by a special messenger selected by himself.

SEC. 3. *Be it further enacted*, That the delegates, or special returning officers shall be paid mileage at the same rate that members of the General Assembly are paid, to be certified by the president of the convention, if one be organized, and if not, the auditor is required to issue his warrant for the same, taking the mileage accounts of the members of the General Assembly as a guide to regulate the amount to which the delegate, or delegates, coming from the same county, may be entitled.

SEC. 4. *Be it further enacted*, That the officers and members of said convention, if it shall be organized, shall be paid the same per diem pay that the officers and members of the Gene-

ral Assembly are paid; their accounts therefor to be certified by the president of the convention, and the secretary shall certify the account of the president.

SEC. 5. *Be it further enacted*, That each county in this state shall be entitled to elect as many delegates to said convention as it is now entitled to members in the lower branch of the General Assembly, and the qualifications for a delegate shall be the same as now required for a member of the House of Representatives.

SEC. 6. *Be it further enacted*, That fifty members of said convention shall be necessary to constitute a quorum to transact business.

SEC. 7. *Be it further enacted*, That if any seat in the convention hereby provided for be contested, the convention shall have power to determine such contest, as the General Assembly has to determine contests for seats in either house, in the manner now prescribed by law.

SEC. 8. *Be it further enacted*, That upon the organization of said convention, it shall take into consideration the condition of political affairs, and determine what course the State of Arkansas shall take in the present political crisis.

SEC. 9. *Be it further enacted*, That a sufficient amount of money be, and the same is hereby appropriated out of the state treasury, to pay the necessary expenses of said convention, should one be held.

SEC. 10. *Be it further enacted*, That this act shall take effect and be in force from its passage.

APPROVED, January 15th, 1861.

No. 106.

AN ACT to amend an act entitled an act to provide for making and repairing levees in Desha and Phillips counties, approved the 16th day of February, 1859.

SECTION

1. Additional duties required of selectmen in Desha and Phillips counties.
2. Duties of assessors of Desha and Phillips counties.
3. Further duty of assessor.
4. Compensation of assessor of Desha county.
5. County courts of Phillips and Desha counties to elect a levee treasurer for each county. Term of office.
6. Treasurers and selectmen to be elected by qualified voters. Term of office. Vacancies how filled.
7. Levee inspector not to issue scrip, etc.
8. Collector to file list of lands before 2d Monday in February of each year, in the clerk's office.
9. Copy of list to be put up at court house door, and published in newspaper.
10. Duty of collector or deputy. Lands

SECTION

- sold, if taxes not paid in due time.
11. Purchaser to pay taxes and costs, or sale forfeited.
12. Duty of clerk to attend sales, etc.
13. Collector to give certificate to purchaser. Certificate assignable.
14. No deed to be made before the expiration of one year.
15. If land not redeemed in one year collector may make deed.
16. Owner may redeem lands at any time within one year.
17. When part of a tract is sold.
18. Compensation of collector in Desha county.
19. Levee scrip or drafts heretofore issued.
20. Holders of scrip or draft to present the same to clerk.
21. Duty of clerk.
22. Levee scrip or bonds receivable for levee taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That in addition to the duties required of the selectmen in the act entitled "an act to provide for making and repairing levees in Desha and Phillips counties," approved the 16th day of February, eighteen hundred and fifty-nine, it shall be the duty of the selectmen of their respective levee districts, on or before the first Monday of March of each year to select and appraise, under oath, all lands in their respective districts, which are subject to levee tax, under the act to which this is an amendment, and make out a true and correct list thereof, together with the value per acre, and file the same in the office of the clerk of the county court.

SEC. 2. *Be it further enacted,* That it shall be the duty of the county assessor of Desha and Phillips counties, each fo

his county, immediately after the filing of lands so selected and appraised, to procure a certified copy thereof, from the clerk, and make fair assessment lists therefrom arranging the names of each owner of the lands so levee taxed, in alphabetical order, the numbers and description of the lands, and the value of each tract as put upon the same by the selectmen, which shall be arranged in a list with the owner's names in the order aforesaid, and said assessor shall foot up the appraised value of each tract of land, and extend the same in the line with the owner's name, and file the same in the clerk's office, on or before the first Monday of June, next thereafter, and the clerk shall proceed with such list, as now required by the act to which this is an amendment, in regard to assessments made out by the inspectors.

SEC. 3. *Be it further enacted*, That it shall be the duty of the assessor, when he shall discover that the selectmen have omitted to select and appraise any lands which are properly taxable for levee purposes, to notify the selectmen of the levee district in which such lands may be situated, whose duty it shall be to appraise such lands and file a list thereof in the clerk's office, and the assessor shall proceed with such list, in the same manner as now required of him in regard to the original lists filed.

SEC. 4. *Be it further enacted*, That the assessor for Desha county shall receive as a compensation for his services, the sum of five dollars for every day he is actually engaged in preparing said assessment, to be paid out of the levee funds of the several levee districts in Desha county.

SEC. 5. *Be it further enacted*, That the county courts of Desha and Phillips counties, shall, in the month of March, eighteen hundred and sixty-one, elect a levee treasurer for each of said counties, who shall hold his office until their next general election, and until his successor is duly elected and qualified.

SEC. 6. *Be it further enacted*, That the qualified voters in the levee districts of said counties, shall, at the next general election, and every two years thereafter, elect a levee treasurer for each of said counties, and three selectmen for each levee dis-

trict, who shall hold their respective offices for two years, and until their successors are elected and qualified, and should a vacancy occur, it shall be the duty of the county court to elect some suitable person to fill the vacancy.

SEC. 7. *Be it further enacted*, That no levee inspector hereafter, shall be allowed to issue any levee scrip, drafts, or bonds, unless ordered by the county court, and all scrip, drafts or bonds, issued as aforesaid, shall be numbered.

SEC. 8. *Be it further enacted*, That the collector of the levee taxes, each for his county, on or before the second Monday of February, in each year, shall make out and file in the office of the clerk of the county court, a list of all lands upon which a levee tax has been assessed, and not paid, setting forth the owner's names, and a description of the land, as the same are described in the tax book, and charge thereon the taxes due for the correct and preceding years.

SEC. 9. *Be it further enacted*, That the collector shall cause a copy of such lists to be set up at the court house door of his county, and published in some newspaper printed in this state, at least four weeks before the third Monday of March thereafter, to which list he shall attach a notice that the whole of the several tracts of land in such list, or so much thereof as shall be necessary to pay the levee taxes charged thereon, will be sold at the court house door of his county, on the third Monday of March thereafter, unless such taxes and costs be paid before that time, and shall file such list in the office of the clerk of the county, and the clerk shall record such list in a book provided for that purpose.

SEC. 10. *Be it further enacted*, That the collector for his county, or his deputy, shall attend at the court house door of his county, on the third Monday of March, in conformity with the notice aforesaid, and then there, at and after the hour of ten o'clock, in the forenoon of said day, proceed to offer for sale separately, each tract of land contained in such list, on which the taxes and costs have not been paid, and the person offering at such sale to pay the taxes and costs charged on any tract of land for the least quantity thereof, shall be the purchaser of

such quantity, and said sale shall continue from day to day until the whole thereof be sold or offered for sale.

SEC. 11. *Be it further enacted*, That the person purchasing any tract of land, or any part thereof, shall forthwith pay the collector the amount of the taxes and costs charged thereon, and on failure so to do, the collector shall immediately offer such land again for sale, in the same manner as if no such sale had taken place.

SEC. 12. *Be it further enacted*, That the clerk of the county court, or his deputy, shall attend all sales of lands for levee taxes in his county, and shall make a record thereof, in a book to be kept for that purpose, therein describing the several tracts of land as they are described in the list, stating in separate columns the levee taxes and costs, and how much of each tract was sold, and to whom sold.

SEC. 13. *Be it further enacted*, That the collector shall make out and deliver to the purchaser of any lands sold for levee taxes as aforesaid, a certificate of purchase, therein describing the land sold, as the same was described in the tax book, and stating therein the amount of the levee taxes and costs for which the same was sold, and that payment has been made, which certificate may be assigned.

SEC. 14. *Be it further enacted*, That no deed shall be made by the collector, for any lands sold as aforesaid, until the expiration of one year from and after the sale.

SEC. 15. *Be it further enacted*, That at any time after the lapse of one year from the time of such sale for taxes, if the land shall not have been redeemed, the collector shall, on the request and on the production of certificate of purchase, execute and deliver to the purchaser, his heirs or assignee, a deed of conveyance for the tract of land, or part thereof, that shall have been sold as aforesaid, which deed shall be acknowledged and recorded as other deeds of conveyance.

SEC. 16. *Be it further enacted*, That if the owner of any lands that may have been sold for the payment of levee taxes, his agent or attorney, within twelve months from the time of the sale thereof, shall pay, or tender to the purchaser of such lands,

his legal representative, or lawful agent, the amount of taxes paid thereon, together with the costs of such sale, and fifty per centum on the whole amount paid by such purchaser, and shall pay or tender to such purchaser, or his legal representatives, the true value of any improvements made on such lands, such lands from that time shall be discharged from such sale, and shall thereafter be assessed in the name of such owner.

SEC. 17. *Be it further enacted*, That when a portion of a tract of land shall have been sold for levee taxes, as aforesaid, the same shall be taken and surveyed off in a square in the southwest corner of the tract.

SEC. 18. *Be it further enacted*, That the collector of the levee taxes for Desha county shall be allowed, in all sums collected by him, any sum not less than three per cent., nor more than the per cent. allowed the collector of the state and county revenue for similar services, at the discretion of the county court.

SEC. 19. *Be it further enacted*, That all the levee lands, scrip, or drafts issued by the several levee inspectors of said counties, prior to the taking effect of this act, shall be presented to the county clerk of the county in which said such scrip, bonds, or drafts were issued, on or before the first day of January, eighteen hundred and sixty-two, whose duty it shall be to issue to the holder thereof the same amount of bonds, scrip, or drafts, bearing the same rate of interest, which interest shall run from the date the scrip, bond or draft bears interest before renewal, and each bond or draft shall be confined to the county and district in which it was issued, and out of the fund of which the same is to be paid.

SEC. 20. *Be it further enacted*, That all persons who shall hold any levee scrip, bonds or drafts upon the levee treasurer, who do not present the same to the clerk of the county court of the county in which such scrip, bond or drafts were issued as aforesaid, on or before the first day of January, eighteen hundred and sixty-two, shall be forever barred from the benefit of their claims.

SEC. 21. *Be it further enacted*, That it shall be the duty of the clerk of the county court, when any draft, scrip or bond shall

be presented to him for renewal, as aforesaid, to record the date, number, amount, the rate of interest, when due, from what date the interest commenced to run, and in whose favor the same was issued, what inspector issued the same, and the number of the district out of the fund of which the same is made payable, and shall file the same in his office, for the inspection of the county court.

SEC. 22. *Be it further enacted*, That all levee bond, scrip or drafts, issued in conformity with the act, to which this is an amendment, which are due, shall be taken in payment of levee taxes, in the levee district, out of the funds of which the same is made payable.

SEC. 23. *Be it further enacted*, That nothing in this act contained shall be so construed as to tax any land in Desha and Phillips counties, which are not taxable for levee purposes under the act to which this is an amendment, nor shall a less valuation be put upon such lands, than is now put upon the same by the act to which this is an amendment.

SEC. 24. *Be it further enacted*, That for the protection and preservation of the levees in the counties of Desha and Phillips, it shall be the duty of each levee inspector therein, to have all the levees in his district, that have been, or may hereafter be built and completed under any law of this state, well sodded with Bermuda grass, and also have the said levees kept clear of weeds, briars, or undergrowth of any kind, and to enable each of said inspectors to comply with the provisions of this section, he is hereby fully authorized and empowered to let out contracts for such work whenever he may deem the same necessary, in the manner prescribed by law for letting other contracts for levee work, and no person shall be allowed to enclose any levee built by law in either of said counties, without the consent of the county court of the county in which the levee may be situated, and where any such levee may now be enclosed, the county courts of said counties shall have, and are hereby invested with full power and authority, in their discretion, to pass such orders, and enforce the same, as they may deem

necessary, to have said levee turned out, and left free for public travel, with the exception of wagons.

SEC. 25. *Be it further enacted*, That this act take effect and be in force from its passage.

APPROVED, January 15th, 1861.

No. 107.

AN ACT to establish nine judicial circuits in this state.

SECTION

1. State divided into nine judicial districts.
2. Judges and prosecuting attorneys to continue in office.
3. Judges to be elected in the seventh, eighth and ninth circuits.

SECTION

4. Prosecuting attorneys to be elected in third, fourth and ninth circuits.
5. All laws conflicting with this act repealed; and this act to be in force from the 10th May, 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That this state shall be divided into nine judicial circuits, to-wit:

The first judicial circuit shall be composed of the counties of Poinsett, St. Francis, Mississippi, Crittenden, Phillips and Monroe.

The second judicial circuit shall be composed of the counties of Bradley, Ashley, Drew, Chicot, Desha, Arkansas and Jefferson.

The third judicial circuit shall be composed of the counties of Craighead, Greene, Randolph, Lawrence and Jackson.

The fourth judicial circuit shall be composed of the counties of Perry, Yell, Pope, Johnson, Franklin and Crawford.

The fifth judicial circuit shall be composed of the counties of Dallas, Hot Spring, Saline, Conway, Prairie and Pulaski.

The sixth judicial circuit shall be composed of the counties

of Calhoun, Union, Columbia, Lafayette, Hempstead and Ouachita.

The seventh judicial circuit shall be composed of the counties of Fulton, Izard, Searcy, Van Buren, White and Independence.

The eighth judicial circuit shall be composed of the counties of Marion, Newton, Carroll, Madison, Benton and Washington.

The ninth judicial circuit shall be composed of the counties of Sevier, Clark, Montgomery, Pike, Polk, Scott and Sebastian.

SEC. 2. *Be it further enacted*, That the judges and prosecuting attorneys, who have been heretofore elected and qualified, shall continue to act as such, in the circuits hereby established in which they respectively reside.

SEC. 3. *Be it further enacted*, That the qualified voters of the counties which compose the seventh, eighth and ninth judicial circuits shall elect a judge for the said seventh, eighth and ninth circuits, respectively, on the first Monday in June, A. D. eighteen hundred and sixty-one, and the election herein provided for shall be ordered, and, in all respects, held and conducted in the manner now prescribed by law for holding general elections in this state, and the judges so elected, shall hold their respective offices until their successors are elected and qualified; and the next election for judges in said circuits shall not be held until the first Monday in August, A. D. eighteen hundred and sixty-six.

SEC. 4. *Be it further enacted*, That the qualified voters of the counties which compose the third, fourth and ninth judicial circuits shall elect a prosecuting attorney for the said third, fourth and ninth circuits, respectively, on the first Monday in June, A. D. eighteen hundred and sixty-one, and the election herein provided for, shall be ordered, and, in all respects, held and conducted in the manner now prescribed by law, for holding general elections in this state, and the prosecuting attorneys, so elected, shall hold their respective offices until their successors are elected and qualified; and the next election for prosecuting attorneys, in said circuits, shall not be held until

the first Monday in August, A. D. eighteen hundred and sixty-four.

SEC. 5. *Be it further enacted*, That all laws in conflict with this act, are hereby repealed, and that this act take effect and be in force from and after [the] tenth day of May, A. D. eighteen hundred and sixty-one.

APPROVED, January 15th, 1861.

No. 108.

AN ACT *to invest the proceeds of the sales of all the swamp and overflowed lands that have been or may hereafter be made in the Clarksville swamp land district, as stock in the Little Rock and Fort Smith branch of the Cairo and Fulton Railroad Company, and in the Northwestern Border Railroad Company.*

SECTION

1. Proceeds of swamp lands in Clarksville district proper, invested in Fort Smith and Little Rock branch of Cairo and Fulton Railroad.
2. Proceeds of swamp lands in Fayetteville district proper, invested in Northwest Border Railroad.
3. Duty of auditor.

SECTION

4. Duty of governor.
5. Further duties of auditor and governor.
6. Auditor and governor to perform same duties.
7. How dividends appropriated.
8. Inconsistent laws repealed.
9. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the proceeds of the sales heretofore made, and hereafter to be made, of all the swamp and overflowed lands in the Clarksville swamp land district, as established before an act of the General Assembly of the State of Arkansas, abolishing the Fayetteville swamp land district, approved 21st December, eighteen hundred and fifty-eight, which were granted to the State of Askansas, by act of Congress, approved 28th Sep-

tember, eighteen hundred and fifty, be, and the same are hereby granted to, and invested as stock in, the Little Rock and Fort Smith branch of the Cairo and Fulton Railroad Company.

SEC. 2. *Be it further enacted*, That the proceeds of the sales heretofore made, and hereafter to be made, of all the swamp and overflowed lands in the Fayetteville swamp land district, as established before an act of the General Assembly of the State of Arkansas, abolishing the Fayetteville swamp land district, approved 21st December, eighteen hundred and fifty-eight, which were granted to the State of Arkansas, by act of Congress, approved 28th September, eighteen hundred and fifty, be, and the same are, hereby granted to, and invested as stock in, the North-western Border Railroad Company.

SEC. 3. *Be it further enacted*, That it shall be the duty of the auditor of public accounts to ascertain the amount of money that the companies mentioned in the first and second sections of this act, shall be respectively entitled to, after deducting for ditch and levee work, now contracted to be done in either or both of said districts, and which is not paid for at the time this act takes effect, and he shall certify to the governor the amount each of the said companies will be entitled to, according to the provisions of this act.

SEC. 4. *Be it further enacted*, That it shall be the duty of the governor, whenever he receives the information from the auditor, mentioned in the third section of this act, to communicate the same to the presidents of said railroad companies; and he is hereby authorized and required to subscribe for stock in said companies, of equal amount to which they are respectively entitled, as ascertained and certified to by the auditor, and whenever thereafter the presidents, or other duly authorized agents of said companies, shall tender to the governor a certificate of stock in the said companies which they respectively represent, of equal amount to which they are respectively entitled, as ascertained and certified to by the auditor, the governor shall order the auditor to draw a warrant on the treasurer, payable to the presidents, or other duly authorized agents,

of said companies, respectively, for the amount so ascertained to belong to them.

SEC. 5. *Be it further enacted*, That at the expiration of six months after the first investment, as hereinbefore provided for, it shall be the duty of the auditor to ascertain the amount of money which has accumulated on account of sales of lands in the beforementioned districts, and certify the same, in the same manner as hereinbefore directed, to the governor, whose duty it shall be, upon a tender of a certificate of stock in said companies, equal to the amount ascertained and certified to by the auditor, to have accumulated for said districts, respectively, agreeably to the provisions of this act, to order the auditor to draw a warrant on the treasurer, payable to the presidents, or other duly authorized agents of said companies, for the amount they are respectively entitled to, as ascertained and certified to by the auditor.

SEC. 6. *Be it further enacted*, That in like manner as provided in section five, it shall be the duty of the auditor, at the end of every six months from the time he last certified the amount each of the said companies was entitled to under the provisions of this act, to ascertain and certify to the governor the amount which has accumulated within the said six months following the date of the last certificate; and the governor shall, upon the tender of certificates of stock in the said companies, equal to the amounts so ascertained and certified to by the auditor, as aforesaid, order the auditor to draw warrants on the treasurer, payable to the presidents, or other duly authorized agents of said companies, for the amounts so ascertained and certified to by the auditor, until all the lands in said districts have been sold, and the proceeds invested as hereinbefore provided.

SEC. 7. *Be it further enacted*, That the dividends and moneys in any way arising from said stocks, shall be paid into the state treasury, and be applied and appropriated in the same manner that the moneys arising from the sale of such lands are now by law applied and appropriated.

SEC. 8. *Be it further enacted*, That all laws and parts of

laws heretofore enacted, which are inconsistent with any of the provisions of this act, are hereby repealed.

SEC. 9. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

APPROVED, January 15th, 1861.

No. 109.

AN ACT to incorporate the Jacksonport and Arkansas Central Railroad Company.

SECTION

1. Certain named persons incorporated by the name of the "Centra Railroad Company." Its objects and powers.
2. Capital stock \$500,000. Amount may be increased. Divided into shares of \$50 each. Company when to organize.
3. Books for subscription, where and by whom opened.
4. Company controlled by board of directors. To elect president and other officers. Majority a quorum.
5. Directors to be elected, when and how.
6. Failure to elect directors not to dissolve company. Vacancies, how filled.
7. Powers and duties of president and directors.

SECTION

8. Company to purchase materials for construction of road, etc.
9. Damages claimed, how settled.
10. Further powers of company. May forfeit and sell stock.
11. When stock sold, or there is a deficiency. Duty of president and directors.
12. Company not to obstruct navigation of streams or traveled roads.
13. Company when to collect toll.
14. Board may receive subscription to stock in labor, etc.
15. Power of company to contract with Memphis and Little Rock railroad.
16. Road to be commenced within three, and completed in fifteen years.
17. Charter to continue for 99 years.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That J. T. Harldson, W. B. Lynch, W. M. Bagby, John N. Shelton, J. A. Baker, Thomas D. Chum, J. C.

Johnson, Thomas Dodd, W. S. Farley, G. W. Seaborn and Jas. W. Landrum, of St. Francis county, and Nathan Grigray, William H. Gray, James A. Paine, William K. Patterson, Wm. Stone, and James Robinson, of Jackson county, with such other persons as may associate with them for that purpose, are constituted a body politic and corporate, by the name of the "Jacksonport and Arkansas Central Railroad Company," and, by that name, may sue and be sued, plead and be impleaded, in any court of this state; to make and have a common seal, and to alter such at pleasure; and the company is hereby vested with all the privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, hereafter set forth; and the said company is hereby authorized and empowered to locate and construct, and finally complete and maintain, a single or double track railroad from Jacksonport, on White river, to intersect the Memphis and Little Rock railroad at some point west of Languille and east of Cache river, to be located by said company on the most practicable route, and to transport, take and carry persons and property upon such railroad by the power of steam, or any mechanical power, or any combination of them, which the said company may choose to apply; and, for the purpose of constructing said railroad, the company is hereby authorized to lay out their road, not exceeding one hundred feet wide, through the whole length, and for the purpose of depots, stations, cuttings and embankments, and for the purpose of necessary turnouts, obtaining stone, gravel, and other materials, may take as much more land as may be necessary for the construction, security and maintenance of said road, with permission to purchase the stock, material and right of way, and to fix up telegraph wires on said line, and to make any lawful contract with any other railroad company, in relation to the business of said company, and also to make joint stock with any other corporation; *Provided*, That all damages that may be occasioned to any person or corporation, by the taking of any land or material, as aforesaid, shall be assessed in the manner hereinafter set forth.

SEC. 2. *Be it further enacted*, That the capital stock of said

company shall be five hundred thousand dollars, which may be increased to any amount sufficient to construct and fully equip said railroad, as set forth in the first section of this act, and which may be divided into shares of fifty dollars each, which shares shall be deemed personal property, and be transferable in such manner as the by-laws of the company may direct; *Provided*, That said company shall organize so soon as stock to the amount of ten thousand dollars shall be taken.

SEC. 3. *Be it further enacted*, That the persons named in the first section of this act, or a majority of them, shall open books of subscription to the capital stock of said company, at such times and places as they may deem proper; *Provided*, That the directors may authorize any person to receive subscription to the stock at any time or place.

SEC. 4. *Be it further enacted*, That the immediate government of the affairs of said company shall be vested in a board of directors, twelve in number, who shall be stockholders and chosen by the stockholders of said company, in the manner hereinafter provided, and shall hold their office until others are duly elected and qualified to take their places as directors; and said directors, a majority of whom, (the president being one,) shall be a quorum to transact business; said directors shall elect one of their number to be president of the company; they shall also choose a secretary and all other officers they may deem necessary.

SEC. 5. *Be it further enacted*, That the persons authorized in the third section of this act to open books of subscription to the capital stock of said company, are hereby authorized and requested, after the books of subscription are closed, or when the sum subscribed shall reach ten thousand dollars, to call a meeting of the stockholders of said company in such manner and at such time and place as they may appoint, for the election of directors of said company; and in all meetings of the stockholders of said company, each share shall entitle the holder thereof to one vote, which vote may be given by the holder in person, or by lawful proxy; and the annual meeting of the stockholders of said company for the choice of direc-

tors, shall be held at such times and places, and upon such notice, as the company may in their by-laws publish.

SEC. 6. *Be it further enacted*, That in case it shall so happen that an election for directors shall not be made on any day appointed by the by-laws of said company, said company shall not for that cause be dissolved, but such election shall be held on any other day which may be appointed by the directors of said company; and the said directors shall have power to fill any vacancy which shall occur by death, resignation or otherwise.

SEC. 7. *Be it further enacted*, That said president and directors, or a majority of them, may appoint all such officers, engineers, agents or servants whatever, as they may deem necessary to carry on the business of the company, and may dismiss them at pleasure; and a majority of them may authorize the compensation of all officers, engineers, agents and servants of said company; the directors shall have power to make all by-laws they may deem necessary and proper for the government of said company, for carrying into effect the provisions of this act; *Provided*, Such by-laws are not contrary to the constitution of this State, and of the United States.

SEC. 8. *Be it further enacted*, That said company is hereby authorized to contract for and purchase all such land, timber, wood and other materials as may be necessary or required in the construction and maintainance of said railroad; and in case the company and owner of such land, timber, stone, wood or other material, cannot agree upon the price to be paid therefor, it may be lawful for such company and owner to choose one each, they being land holders in the county where such timber, wood, stone or other material may be, who shall choose a third one, all of whom shall be duly sworn to ascertain the value of such land, timber, stone, wood or other material; who, after being thus sworn, shall ascertain and assess the value thereof; and before said company shall have, or use the same, it shall pay to such owner, the amount assessed by such arbitrators, and either party feeling himself aggrieved by such assessment, shall have the right to present to the circuit court of the proper

county such assessment, and on giving to the adverse party thirty days' notice thereof, such court, without the forms of pleading, ascertain the value of such land, timber, stone, wood or other material.

SEC. 9. *Be it further enacted*, That such lands or other property that may be condemned or estimated as aforesaid, shall enure to, and become the property of said company for the purpose aforesaid, upon the payment by said company of the amount assessed by the said arbitrators to the party claiming damages on account of the construction of said road through said lands, or for such other property; *Provided*, That said work shall in no wise be delayed on account of the proceedings had as aforesaid.

SEC. 10. *Be it further enacted*, The said president and directors shall have power to require the stockholders of said company, to pay such installments on their respective shares of stock in said company, and at such times as they may deem best for the interest of said company; and upon the failure or refusal of any stockholder to pay the installment on his or their stock, in pursuance of any call made by the president and directors, as aforesaid, the said president and directors may, upon giving thirty days' notice, proceed to sell at public sale, the share or shares of said stock owned by said defaulting stockholder, or such part as they may think proper, to the highest bidder; and if on the sale of the shares of said stock owned by said defaulting stockholder, the said stock should be sold for less than the amount due on installments, as above mentioned, said stockholder shall be liable to pay the deficiency, in manner and form as hereinafter provided.

SEC. 11. *Be it further enacted*, That upon the failure or refusal of any stockholder to pay any installment called for by the president and directors of said company, or if upon the sale of said stock as above specified, there should be a deficiency, the president and directors shall receive the amount of said call, or all the deficiency remaining, by due course of law.

SEC. 12. *Be it further enacted*, That said company shall have the right to construct bridges for their road across navigable streams, and to cross or intersect any established rail or other

road; *Provided*, That the navigation of such stream is not stopped, and the passage of such rail or other road way is not impeded; and the said company may cause any road or way to be changed or altered in such manner, that the said railroad may be made on the best site of ground for that purpose; *Provided*, Said company shall put such road or way in as good condition as at the time of altering or changing the same.

SEC. 13. *Be it further enacted*, That after the construction of said railroad, the company may collect toll from any person who may ride or transport merchandise or any other commodity on the same.

SEC. 14. *Be it further enacted*, That payment of subscription to the stock in said railroad may be made in labor, materials provisions, and in real, personal or mixed property, which the board of directors at their discretion may deem it expedient to accept.

SEC. 15. *Be it further enacted*, That said company shall have power to contract with the Memphis and Little Rock railroad company, to run cars through from Jacksonport to Memphis and Little Rock.

SEC. 16. *Be it further enacted*, That said railroad shall be commenced within three years, and the same shall be completed within fifteen years after the passage of this act.

SEC. 17. *Be it further enacted*, That this charter shall continue for the term of ninety-nine years, and at the end whereof, the corporate privileges hereby granted, shall cease and determine.

APPROVED, January 15th, 1861.

No. 110.

AN ACT to authorize the common school commissioner of Lawrence county, to sell the yet unsold portion of section sixteen, in township eighteen, north of range five west.

SECTION

1. Common school commissioner to

SECTION

sell certain lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the common school commissioner in and for the county of Lawrence, be, and he is hereby authorized and required to sell the yet unsold portion of section sixteen, in township eighteen, north of range five west, at public sale, upon the petition, notice, and in the manner now prescribed by law, except that he shall sell the same in lots to the highest bidder therefor.

APPROVED, January 15th, 1861.

No. 111.

AN ACT for the benefit of the Union Church and Masonic Hall, near Harold post office, in Montgomery county.

SECTION

1. The sale of liquor within three miles forbidden.
2. Penalty for violating this act.

SECTION

3. Physicians excepted.
4. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That it shall not be lawful for any person to sell, barter, exchange, or give any intoxicating liquors, in any quantity whatever, at, or within three miles of the Union Church

and Masonic Hall, near Harold post-office, in Montgomery county, state aforesaid.

SEC. 2. *Be it further enacted*, That any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in any sum not less than fifty dollars, and not more than two hundred dollars, and every single or separate offence is hereby declared to be a violation of this act, and shall be so punished.

SEC. 3. *Be it further enacted*, That this act shall not be made to apply to sale, barter, exchange, or gift, by any regular practicing physician, in his practice, strictly for medicinal or mechanical purposes.

SEC. 4. *Be it further enacted*, That this act be in force from and after the first day of February, eighteen hundred and sixty-one.

APPROVED, January 15th, 1860.

No. 112.

AN ACT to aid the foreclosure of the stock mortgages, given to secure stock subscriptions to the Real Estate Bank of the State of Arkansas.

SECTION

1. State may foreclose mortgages on bank lands, without paying bonds.
2. Suits instituted in chancery court at Little Rock.
3. The bill may embrace more than one case. Not demurrable.
4. Duty of the clerk, and general objects of the bill. Notice, how given to parties interested in the suit.
5. When no one defends, decree may be entered.

SECTION

6. Appeals allowed; and general course of proceeding in a cause.
7. Report of accountants evidence, etc.
8. Deficit divided *pro rata*, on the lands according to value.
9. Apportionment of deficit to be published.
10. How lands discharged from mortgage.
11. In default of payment lands to be sold.

SECTION

12. Court may defer sale of lands in certain cases.

13. Sales to be made by master or commissioner. Compensation.

14. Duty of master or commissioner when lands redeemed.

SECTION

15. Money from sale of lands, how applied.

16. Suits to be governed by rules of chancery court.

17. Act in force from 26th Oct., 1861.

Be it enacted by the General Assembly of the State of Arkansas, as follows:

SECTION 1. The State of Arkansas may bring and prosecute to final decree suits for the foreclosure of the mortgages provided for and given under the thirteenth section of the act establishing the Real Estate Bank of the State of Arkansas, approved October 26th, eighteen hundred and thirty-six, and she may do this without making payment of the bonds of the state, issued for said Real Estate Bank, under the 10th section of the said act; and without producing in court the said bonds, or any of them; and such suit may be brought as hereinafter provided.

SEC. 2. As enacted in chapter 28, article II, section thirteen, of Gould's Digest, such suits shall be brought, prosecuted and determined in the chancery court held at the seat of government of this state, and shall be preferred by bill, in the ordinary form recognized as proper and lawful, according to the rules of chancery practice, except as herein otherwise directed.

SEC. 3. The bill in such suits may embrace as many mortgages, as the counsel prosecuting on behalf of the state shall think best to include, and shall not be demurrable therefor on account of multifariousness; and such bill shall not name the original mortgager, or his heirs or legal representatives, or the occupiers of the mortgaged lands, or any other persons as defendants, but shall pray that notice be given of the pendency of the suit according to this act.

SEC. 4. When a bill has been filed, the clerk of the chancery court shall make an entry thereof in his record of the proceedings of the court, which shall state the general objects of the bill, and what lands it proposes to subject to foreclosure, and under what mortgage the claim is made; a copy of this entry

attested by the clerk, and duly published, shall be taken as notice to the mortgager, and to all persons claiming under him, and to all occupants of the lands of the beginning and pendency of the suit, and a copy of the record entry shall be duly published, when it shall have had four successive weekly insertions, in a newspaper printed in Little Rock, by the public printer of the state, if such there shall be, or otherwise in a newspaper printed in Little Rock, the last insertion being four weeks before the first day of the chancery court, the same being stated, at which all persons interested shall take notice thereof, and when a like publication shall be made in any newspaper that may be printed in the county in which the lands are, that are subject to be subjected to the mortgages mentioned.

SEC. 5. To suits so begun and advertised, if no person shall appear and claim the lands, the court shall, at the term after notice has been given, declare the lands subject to the mortgages that shall be proved to extend over them, and decree them to be forfeited to sale, to mak good the deficiency attaching to them, when ascertained, as hereinafter provided.

SEC. 6. But such persons as shall wish to appeal the suits begun to subject the stock lands to the said mortgages, may present to the court their claims to be heard in opposition, which claims shall rest upon evidences of title, or upon such facts as shall satisfy the court they ought to be heard; and the court shall order that such persons as ought to be heard, be permitted to make defence; and when admitted to defend, the contestants may meet the bill they wish to contend against, by demurrer, plea or answer, in any way that shall agree with the rules of chancery pleading practice, and shall not be inconsistent with this act, and the questions of law, and of fact, raised between the state and the contestants, shall be considered and determined, as if made by, and depending between parties, brought and continued before the court by its ordinary rules, and entries of the claims and defences made, and proceedings had, shall be made upon the record as in other chancery suits; but the contestants shall not be entered as formal defendants, nor shall

the style of the suits be against them, but shall be the state against the particular lands, nor shall there be any change in their style, nor any abatement or suspension of the suits, or change in their proceedings, on account of the deaths, marriages, infancies, arrivals of age, or other incidents affecting persons interested in the lands, or claiming them, but the suits shall go on to consideration, hearing and decree, without the delays and revivors that grow out of the changes of parties to suits in chancery, under the common practice, but with full opportunity for all to be heard, who shall have been permitted by the court to make their defenses in the suits against the lands.

SEC. 7. The reports of the accountants of the Real Estate Bank, the abstracts made by them, and by the receiver of the bank, and the report of William B. Wait, special master in chancery, all on file in the case of the State against the Trustees of the Real Estate Bank, decided in the chancery court held at the seat of government, so far as applicable, shall be evidence in suits prosecuted under this act.

SEC. 8. When it shall have been ascertained what lands are subject to the mortgages, and they have been decreed to be forfeited under said mortgages, then, or as soon as practicable, an inquiry shall be had under the direction of the court of chancery, to find the amount in which the proper assets of the bank shall fail to discharge, the whole sum of principal and interest due upon the fifteen hundred and thirty bonds, for one thousand dollars each, that were issued by the state for the Real Estate Bank of the State of Arkansas, and when this deficiency shall be made known, it shall be apportioned between all the stock mortgages, so that the loss to be made good by each mortgage shall bear the same ratio to the amount secured by the mortgage, that the whole deficiency has to the amount due upon the said fifteen hundred and thirty state bonds; and if Gordon N. Peay shall be considered by the court a proper person to make such enquiry and apportionment, he shall not be held to be incompetent to do so, from having been secretary of the board of trustees of the bank, a party to the suit

of the state against the trustees, or receiver of the assets of the bank.

SEC. 9. Upon the apportionment of the deficiency of assets, as provided for in the foregoing section, or upon decree of the liability of the lands therefor, under the mortgages, a copy of such record entry, as shall show fully the amount charged upon and decreed against each mortgage, shall be published in the same way that publications of the beginning and pendency of suits is required to be made by the fourth section of this act, and such publication shall be notice to all concerned, of the condemnation of the lands.

SEC. 10. Each stock mortgage shall be satisfied, and the lands therein included discharged from liability therefrom, upon payment of the sum charged against it, and the same result shall follow a sale of lands under order of the court, as hereinafter provided; and the faith of the state is hereby pledged to protect the title acquired by those that redeem and purchase said mortgaged lands, under the authority contained in this act.

SEC. 11. At the next term after advertisement of the condemnation of the lands, upon default of payment, of what has been charged against them, the court may order a sale of the lands, which shall be at the state house door, in Little Rock, and shall be for one-third in cash, and for one-third upon a credit of twelve months, and for the remaining third upon a credit of twenty-four months, for which credits, notes shall be given to the State of Arkansas, with interest from their sale, at eight per cent. per annum, and with good personal security; and the lien of the stock mortgages shall be preserved in full force, until said notes are paid, the state, however, reserving the right to bid upon the lands to the amount with which they are incumbered by the mortgage, as provided by the court.

SEC. 12. After the order of sale, and before the time fixed therefor, such notice of the sale, and of the amount to be sold for, shall be made as is required in the other notices, by publication, in this act mentioned; the sale shall be during the session of the chancery court, and may continue from day to day, as shall be necessary, and when the court shall be satisfied that

sales of any of the lands cannot be made to advantage, but will result in their sacrifice, it may defer the sale of such lands.

SEC. 13. Sales shall be made by the master in chancery, or by a commissioner, as the court shall appoint, for which, and for all ministerial services performed under this act, such compensation shall be allowed as to the court shall appear to be just, but no money arising from the redemption or sale of the mortgaged lands, shall be paid elsewhere than directly into the state treasury.

SEC. 14. When any of said lands shall be redeemed, the master or commissioner, shall give the redemptioner a certificate of redemption, showing the amount that he is to pay therefor, which shall authorize the state treasurer, upon its presentation, to receive the money, for which he shall give duplicate receipts; one to be presented to the master or commissioner, which shall entitle the redemptioner to an entry of satisfaction of the mortgage where it is recorded, to be made by the recorder of the county; the second receipt shall be filed in the office of the clerk of the chancery court, and the third in the office of the auditor of public accounts; and when any of the said lands shall be sold under the provisions of this act, the master or commissioner shall give the purchaser a certificate of sale, showing the amount he is to pay in cash, and the amounts for which he is to execute his notes, as provided in section eleven of this act, for which money and notes, the treasurer shall give the purchaser three receipts, which shall be disposed of in the manner above provided for in this section, and upon payment of the notes, the purchaser shall be entitled to a master's or commissioner's deed for the lands bought by him, which shall be made by the order, and under the direction of the chancery court, named in this act.

SEC. 15. The money that the state shall receive for the redemption and sale of the mortgaged lands, shall be applied to the payment of the fifteen hundred and thirty state bonds herein mentioned; and after the sale of the lands, the state shall be deemed to have assumed payment of the sums with

which the lands, were charged upon the said state bonds, and shall forever save and protect the said lands from any further liability on account of the stock mortgages.

SEC. 16. Suits prosecuted under this act, to enforce the stock mortgages, shall proceed under the rules that govern chancery courts in ordinary cases, except when otherwise decided by this act.

SEC. 17. This act shall take effect upon the 26th of October, eighteen hundred and sixty-one.

APPROVED, January 16th, 1861.

No. 113.

AN ACT *for the relief of Luther R. Venable, late sheriff of Van Buren county, and John B. Garrett, former sheriff of Montgomery county.*

SECTION

1. Have till the fourth of July, 1863, to collect certain taxes.

SECTION

2. To collect by laws now in force for sheriffs.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That the said Luther R. Venable and John B. Garrett, shall have until the fourth day of July, eighteen hundred and sixty-three, to collect all taxes that may be due on the various tax books of the years of eighteen hundred and fifty-five, fifty-six, fifty-seven and fifty-eight, to the said Luther R. Venable, as such sheriff of said county of Van Buren.*

SEC. 2. *Be it further enacted, That the said Luther R. Venable and John B. Garrett, shall have the same right to collect said taxes due on said tax books and be so governed by the law now in force for sheriff's rights to collect by execution, as indorsed on said tax books.*

SEC. 3. *Be it further enacted, That this act take effect and be in force from and after its passage.*

APPROVED, January 16th, 1861.

No. 114.

AN ACT *to pay the Judge of the probate and county courts of Monroe county, a regular salary per annum.*

SECTION 1. Amount of salary five hundred dollars.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That the presiding judge of the county and probate court of Monroe county, be allowed the sum of five hundred dollars per annum, to be paid quarterly out of the treasury of said county, as a full compensation for his services.*

SEC. 2. *Be it further enacted, That this act take effect and be in force from and after its passage.*

APPROVED, January 16th, 1861.

No. 115.

AN ACT *to prevent the poisoning of any lake or stream of water for the purpose of killing fish, stock, or any other purpose.*

SECTION 1. Penalty for poisoning waters.

SECTION 1. *Be it enacted by the General Assembly of the State*

of Arkansas, That any person or persons who shall hereafter poison any lake or stream of water, for the purpose of killing fish, stock, or for any other purpose, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum, not less than one hundred nor more than five hundred dollars.

Be it further enacted, That this act take effect and be in force from and after its passage.

APPROVED, January 16th, 1861.

No. 116.

AN ACT to invest the swamp and overflowed lands in the Champagnolle swamp land district as stock in the Mississippi, Ouachita and Red River Railroad company.

SECTION

1. Governor authorized to subscribe stock in railroad.
2. When governor to make deed of

SECTION

- lands to said company.
2. Dividends arising from stock to be paid into state treasury.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That all the lands belonging to the State of Arkansas, in the Champagnolle swamp land district, granted to the state by act of Congress, approved 28th September, eighteen hundred and fifty, be, and the same are hereby granted to and invested as stock in the Mississippi, Ouachita and Red river railroad company, at the minimum prices now established by law, and the governor is authorized and required to subscribe for such amount of stock in said company as is equal to the value, at said prices, of all said lands which are now confirmed to the state, and to make similar subscriptions from time*

to time, as future confirmations of such lands shall be made to the state.

SEC. 2. *Be it further enacted*, That whenever the said company shall tender to the governor a certificate of stock for the amount or amounts, so subscribed, as above mentioned, he shall cause to be made to said company, a deed for such of said lands as shall then be confirmed to the state, and to which there shall be no valid conflicting claim, in manner and form, as now required by law in cases of other purchasers of swamp and overflowed lands; *Provided*, That no deed shall be made by the governor for any of such lands, until the same shall be patented to the State of Arkansas.

SEC. 3. *Be it further enacted*, That the dividends and moneys, in any way arising from said stock, shall be paid into the state treasury, and be applied and appropriated in the same manner the moneys arising from the sale of such lands are now applied and appropriated.

SEC. 4. *And be it further enacted*, That all laws or parts of laws, heretofore enacted, in conflict with this act, be, and the same are, hereby repealed, and that this act take effect and be in force from and after its passage.

APPROVED, January 16th, 1861.

No. 117.

AN ACT to tax all patent medicines imported into this state.

SECTION

1. Patent medicines to be taxed.

SECTION

2. Act in force from 1st day of January, 1861.

SECTION 1. *Be it enacted by the General Assembly of the State*

of *Arkansas*, That after the first day of January, A. D. eighteen hundred and sixty-one, all patent medicines imported or introduced into this state from any other state or province, for sale, shall be subject to be taxed the same as other goods, merchandise, drugs, or medicines.

SEC. 2. *Be it further enacted*, That this act take effect from and after the first day of January, A. D. eighteen hundred and sixty-one.

APPROVED, January 17th, 1861.

No. 118.

AN ACT to fix anew the terms of the Supreme Court.

SECTION

1. Prescribing the time for holding Supreme Court.

SECTION

2. Act in force after the first Monday of June, 1861.

WHEREAS, It has been represented to the General Assembly, that, during the present winter and ensuing spring, the arrears of the Supreme Court docket will be fully brought up, and that the convenience of the court and of the bar will be promoted by a change in the times of holding terms; Therefore, *Be it enacted by the General Assembly of the State of Arkansas*, as follows:

SECTION 1. The terms of the Supreme Court shall hereafter be begun on the first Mondays of June and December, in each year, and continue, so that the business of the court, ready for hearing, shall be dispatched during the said term.

SEC. 2. This act shall be in force upon and after the first Monday of June, 1861.

APPROVED, January 17th, 1861.

No. 119.

AN ACT to incorporate the City of Ozark.

SECTION

1. Powers and duties of town council.
2. Penalty for keeping ten or nine-pin alley, billiard table, or grocery, without license.
3. Owners or keepers of billiard table, alley, or grocery, prohibited from permitting certain persons to play or drink thereat.

SECTION

4. Grocery outside of town limits.
5. Certain powers of council.
6. General powers of council.
7. Residents of town exempted from.
8. Residents to work on streets.
9. Penalty for not working streets.
10. Act to be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the town council of Ozark shall have the exclusive right to grant license for taverns, nine or ten-pin alleys, billiard tables, groceries, shows and exhibitions of every description, within the limits of said corporation; *Provided*, That no license for any ten or nine-pin alley, billiard table, or grocery, shall be granted within said corporation, until the person desirous to set up or keep such ten or nine-pin alley, billiard table, or grocery, shall first procure and present to such town council a petition, signed by a majority of the legal voters of such corporation, and shall enter [into] bond with such corporation, with good and sufficient security, to be approved by such corporation, in the sum of one hundred and fifty dollars, conditioned that they will not permit any gambling, or playing cards, quarreling or fighting within said grocery, and that they will not sell or give away spirituous liquors to any minor under the age of twenty-one years, or to any slave, free negro or mulatto; and shall, upon the granting of such license, pay into the treasury of such corporation, such sum of money as shall have been assessed for such grocery license, which sum shall not be less than one hundred dollars, nor more than five hundred dollars.

SEC. 2. *Be it further enacted*, That if any person shall set up or keep any ten or nine-pin alley, billiard table or grocery, for the purpose of retailing any vinous or ardent spirits within

the limits of said corporation, without having first procured a license therefor from said town council, he shall be subject to indictment in the circuit court of the county of Franklin, and, on conviction, fined in any sum not less than the amount so established by said town council, nor more than double that sum.

SEC. 3. *Be it further enacted*, That if any person owning or keeping any ten or nine-pin alley, billiard table or grocery, shall suffer or permit any minor, under the age of twenty-one years, slave, free negro or mulatto, to roll ten or nine-pins, or play at billiards, or bet at any game of the same, or shall sell or give any such minor, slave, free negro or mulatto, any vinous or ardent spirits, shall be subject to indictment in the circuit court, and, on conviction, shall be fined in any sum not less than five dollars.

SEC. 4. *Be it further enacted*, That persons obtaining license to keep grocery within the corporate limits of said town, as prescribed in the first section of this act, shall be permitted to sell vinous or ardent spirits, in quantities less than one quart, without procuring any other or additional license, and shall be exempt from paying license to the county for the privilege of keeping such grocery.

SEC. 5. *Be it further enacted*, That the town council of Ozark shall have power to provide, by ordinance, for paving the sidewalks by the owner, owners or occupants of lots adjoining the same; and if any owner or occupant fails to comply with said provisions, said council may perform such work, and recover the actual cost thereof from the owner or occupant, and the certificate of the aldermen that any occupant of property, owned by any non-resident of said town, has paid such amount, shall be a good off-set for rent, to that amount, due for said property; *Provided*, That no mere occupant of such property shall be required to pay, in any one year, a sum greater than the rent of the property occupied by him for one year.

SEC. 6. *Be it further enacted*, That said town council shall have power to establish and regulate night watches and patrols, erect lamps in the streets, and light the same, erect

and repair bridges, drains, sewers, wharves, and regulate the landing and mooring of boats and vessels, and the exclusive power to collect wharfage within the limits of said corporation; to open, grade, and otherwise improve and repair streets, alleys, avenues, and lanes; to collect a poll tax of each and every person residing in said corporate limits, who is now, by law, liable to pay poll tax, which tax shall be appropriated by said council for the purpose of improving the streets, buildings, wharves, and so forth; and said council shall have the same power to enforce the payment of said tax as is now given by law to the collectors of county revenue in the several counties in this state, and may sell estate, both real and personal, and make titles to the same, in the same manner that said county collectors now convey bona fide titles to land and other property sold for non-payment of taxes; *Provided*, That no poll tax shall ever be collected by said corporation at rates higher than one dollar per head for each person subject to pay poll tax, and it is hereby declared to be the true intent and meaning of this act to allow said council to confer power of collecting the taxes aforesaid, on such officer or officers as they may see proper to appoint for that purpose, whose deed for conveyance of all lands sold by him for non-payment of taxes, shall be as valid as if made by said council.

SEC. 7. *Be it further enacted*, That all persons residing within the corporate limits of said town shall be exempt from road duty beyond said limits, and it shall be the duty of said council to keep all the principal streets in said town in good repair.

SEC. 8. *Be it further enacted*, That said council shall have power to compel all persons now subject to road duty, who live in the corporate limits of said town, to work on the streets, and they shall be notified to do the same by the town constable, in the same manner and with like effect that hands are notified by overseers to work on roads in their respective limits, and any person or persons failing to work on said streets, after being notified, as aforesaid, shall forfeit and pay to the corporation of Ozark, the sum of two dollars for each day so failing, to be collected by action of debt, brought before the aldermen

in the name of the corporation of Ozark, and execution shall issue upon any judgment so obtained, directed to the town constable, and shall be collected in the same manner that other debts are now collected for the benefit of said corporation; *Provided*, That no person shall be compelled to work more than twelve days in any one year, nor more than four days in any one month.

SEC. 9. *Be it further enacted*, That if any person neglecting or refusing to work on the streets, as provided in this act, be a minor or slave, suit shall be brought against the parent, guardian, master or overseer, of such minor or slave, and judgment obtained, and money collected, from such parent, guardian, master, or overseer, in the same manner as if they were the delinquents.

SEC. 10. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

APPROVED, January 17th, 1861.

No. 120.

AN ACT to re-organize the Corporation of the Town of Washington.

SECTION

1. All previous laws repealed; when to take effect.
2. Town of Washington incorporated; limits of corporation.
3. Corporate limits may be extended.
4. Name and style of corporation; its powers and duties.
5. Corporation may subscribe for stock in railroad, etc.

SECTION

6. Powers of corporation vested in mayor and six aldermen.
7. Who a legal voter.
8. Officers resident voters of the town.
9. Elections to be annually; when held
10. Council to appoint judges of election.

SECTION

11. Duties of judges and clerks of election; abstract of votes for mayor and recorder forwarded to secretary of state.
12. Power of the common council.
13. Council may appoint and remove all other officers.
14. Mayor to be commissioned; his term of office; chief officer of corporation; his powers and duties.
15. Recorder to be commissioned; his term of office, and duties.
16. Further duties of recorder.
17. Town constable, his term of office and duties.
18. Aldermen to be elected.
19. Treasurer and city attorney to be appointed.
20. Officers of corporation to take an oath to support constitution, etc.
21. Meetings of the council, when, and how regulated.
22. In absence of mayor, one of the aldermen to preside.
23. Power of the council; a majority a quorum; mayor to sign ordinances; duty of recorder therein.
24. Common council may levy tax of not more than $\frac{1}{4}$ of one per cent. Its police powers, etc.
25. Sheriff to receive prisoners and keep them in jail.
26. Power of corporation to levy and collect taxes.
27. Further powers of corporation.
28. No money to be paid, except in consequence of appropriation.
29. Moneys from penalties, fines, etc., how appropriated.

SECTION

30. Certain licenses within sole grant of corporation.
31. Vacancies, how filled.
32. Municipal court established; its powers and jurisdiction.
33. Writs may issue to any sheriff to be executed.
34. Court to hold four terms.
35. Jurisdiction.
36. Original and concurrent jurisdiction.
37. Appeals allowed to supreme court in criminal cases.
38. Mode of procedure and trial.
39. Further duties of corporation.
40. Grand jury allowed.
41. Duty of jurors.
42. When constable to summon grand jury.
43. Jurors failing to appear when summoned, panel completed from bystanders.
44. Petit jurors.
45. Fines how disposed of
46. Writs to run in the name of the state.
47. For offences less than felony, to recognize offenders to corporation court.
48. Grand jury may have subpoenas for witnesses.
49. Municipal court to have certain powers.
50. Judgments a lien on real estate.
51. Council may appoint town attorney.
52. Corporation to assume debts and obligations of old council.
53. Citizens of town exempt from working on roads.
54. Act a public act, and in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That all laws, or parts of laws, heretofore passed incorporating or providing for the government of the town of Washington, in the county of Hempstead, and State of Arkansas, be, and the same are hereby repealed; Provided, That all officers of said corporation elected and holding under the laws*

now in force, may continue in office, with such powers and duties as now appertain to them, until others may be elected, as hereinafter provided; *And provided further*, That all ordinances of said corporation remain in full force and effect, until the same may be altered, amended or repealed under, and by virtue of the powers granted in this act.

SEC. 2. The town of Washington, in the county of Hempstead, and State of Arkansas, is hereby incorporated, and the corporate limits of said town shall embrace the south-west quarter of section twenty-two, the south-east quarter of the south-east quarter of section twenty-one, and that portion of the north-west quarter of the north-west quarter of section twenty-seven, known and designated on the plats of said town of Washington, as the Dixon survey, all in township eleven south of the base line, in range twenty-five, west of the fifth principal meridian.

SEC. 3. Whenever two-thirds of the resident voters of any tract or portion of land adjoining said corporation limits, together with two-thirds, in value, of the owners of real estate therein, shall hereafter petition the common council of said town to be admitted as a part of said corporation, said common council may, by ordinance, admit the same; and said tract or portion of land shall thereupon be included within the corporate limits of said town as effectually as if the same had been specially defined in this act; *Provided*, That one month's notice of such application shall be previously given, by publication in some newspaper printed in said town, and any person or persons objecting to the same, shall be permitted to appear in person or by counsel, and make their objections to the same before said council, before the same shall be voted upon; *And provided further*, That the corporate limits of said town shall never so enlarge as to extend more than one mile in any direction, from the present site of the court house for said county.

SEC. 4. The inhabitants of said town are hereby created a body politic and corporate, by the name and style of "The town of Washington," with succession for ninety-nine years; may, as such, sue and be sued, in any action, in any court of

law or equity, having competent jurisdiction; may purchase receive, hold, sell or lease any property, real, personal or mixed in said town or in the vicinity thereof, in so far as the same may be necessary for corporation purposes, or to secure debts due said corporation; may have a common seal, and may alter the same at pleasure; and may have and exercise all other powers belonging, of course, to corporate bodies.

SEC. 5. Whenever a written petition therefor, signed by a majority of the voters of said town, as estimated by the last regular town election previous thereto, who shall also be a majority in value of the owners of real estate in said town, as estimated by the last city assessment previous thereto, shall be presented to the common council of said town; said corporation shall, in addition to the powers hereinbefore enumerated, have power to subscribe for stock in any turnpike, railroad, bridge or other work of internal improvement, which may conduce to benefit the inhabitants, or enhance the value of the property within said town, which said subscription shall be binding on said corporation; and for the payment of which, the bonds of the corporation may be issued under its seal and signed by the mayor.

SEC. 6. The powers and duties of said corporation shall vest in, and be exercised by a mayor, six aldermen, a recorder and a town constable, to be elected as herein provided, and such other officers as may be appointed, as hereinafter provided.

SEC. 7. Every resident inhabitant of said town who has resided therein for ten days next preceding any election, as well as every holder or owner of real estate in said town, although a resident elsewhere, who may be at the same time a qualified voter under the laws of Arkansas, for members of the lower house of the General Assembly, may vote in any municipal election to be held in and for said town.

SEC. 8. All officers shall be resident voters of said town, and when elected and qualified, shall hold for the terms hereinafter provided, and until their successors shall be elected and qualified, unless their terms of office should be sooner determined

by resignation, removal from the town, or in some other manner hereinafter provided for.

SEC. 9. An election shall be held for all officers made elective by this act in said town, on the first Monday of February, 1861, and annually thereafter, which said first election shall be held, in all respects, as provided by the charters and ordinances now in force and effect; and if from any cause, said election, on said first Monday of February, 1861, should fail to be held, the common council of said town now existing, may appoint some other day for said first election, first giving ten days' notice thereof, by written advertisements in three public places in said town; which said election shall be in all respects as valid as if held on said first Monday of February, 1861, and be considered as *nunc pro tunc*. If at any time hereafter the regular annual election should fail to be held, the officers then existing shall hold over until the next regular election, but shall renew their bonds as if re-elected.

SEC. 10. After said first election, the common council shall prescribe the manner of holding the annual municipal elections; shall appoint the judges thereof, and provide for due notice thereof to be given.

SEC. 11. The judges and clerks of the first election shall, within five days thereafter, file with the present common council of said town, the poll books of said election, and shall forward to the secretary of the state of Arkansas, an abstract of all the votes cast for mayor and recorder of said town; and at each subsequent election, the judges and clerks thereof, shall, within five days thereafter, file the poll books with the recorder, who shall in like manner, without unreasonable delay, forward to said secretary of state, an abstract of the votes cast for mayor and recorder.

SEC. 12. The common council shall have power to supply defects in the modes and forms of holding elections herein prescribed; and provided said elections are held in substantial compliance with the directions herein contained, the same shall be liberally construed, and no election shall on that account be held void.

SEC. 13. All other officers hereinafter named shall be appointed by, and removable at the pleasure of the common council; and said common council shall have the power to create such other agencies as may be necessary to said corporation; to appoint persons thereto, and provide for their remuneration.

SEC. 14. The mayor shall be elected for the term of two years, and until his successor may be elected and qualified; he shall be commissioned by the governor; he shall be the chief officer of said corporation, and a peace officer of the State of Arkansas, within the limits of the town; he shall preside over the meetings of the common council, and may vote therein, besides in case of a tie, giving a casting vote; he shall have power summarily, to hear and determine all charges of a breach of such ordinances of the town as do not amount to an offence against the criminal laws of the State of Arkansas, and to inflict such fines and penalties as may be prescribed by ordinance in such cases, and shall be ex-officio, the presiding judge of the municipal court for said town hereinafter created; and shall do and perform all other duties in this act to him assigned; and shall receive for his compensation such sum per annum as may be fixed by ordinance, to be paid by said town; and which, after having been once fixed by ordinance, after the first election, shall not be increased or diminished during his continuance in office; *Provided*, That nothing herein contained shall preclude the common council at any meeting whereat the mayor may not preside, from granting him such compensation for any labor, trouble and expense, outside of his official duties, he may have been at at the request of, and in behalf of said common council, and for corporation purposes.

SEC. 15. The recorder shall be elected for the term of two years, and shall be commissioned by the governor; he shall be the custodian of all the books, records, documents and papers, with all the office furniture belonging to said corporation; he shall attend the meetings of the common council, and shall keep accurate minutes of all their proceedings, and shall record at length, in a book kept for that purpose, all the ordinances,

acts and resolutions of said common council, which shall be accurately indexed and kept open for the inspection of any one who may desire to examine the same; he shall keep the seal of the corporation, and under it, may grant certified copies of any records or papers filed in his office, which said copies shall have the same effect in any court within this state, as if the originals were produced; he shall, at all times, afford such seal to the mayor, whenever it shall be necessary to authenticate any act or certificate of said mayor; and shall do and perform any other act within the general purview of the duties of such officers; for all of which, he shall receive such annual salary and such fees of office as may be fixed by ordinance, and which being once fixed after the first election, shall not be increased or diminished during his continuance in office.

SEC. 16. In addition to his other duties, such recorder shall be ex-officio clerk of the municipal court of said town, and shall receive such fees of office as are, in like cases, allowed by law, to the clerks of circuit courts.

SEC. 17. The town constable shall be elected for the term of one year; he shall have all the powers, and perform all the duties appertaining to constables, by law, within the town of Washington, with like power to serve and execute process in any part of said county, as now belong, by law, to other constables, or that may hereafter be conferred upon them; he shall attend the meetings of the common council, and shall act as their officer, in the service of all notices and summons, which they may require; he shall be ex-officio assessor and collector of taxes, for said corporation; he shall have cognizance of all offences against the ordinances of the corporation, and bring the offenders before the mayor, without delay, and in addition to his other duties, shall be ex-officio the chief ministerial officer of the municipal court of said town, with like power to execute any process therefrom, now belonging to sheriffs in the circuit court, and shall receive as compensation, such salary and fees as may be fixed by ordinance, and which being once fixed, after the first election, shall not be increased or diminished during his continuance in office.

SEC. 18. The aldermen shall be elected for the term of one year, and shall compose, with the mayor, the common council of said town of Washington.

SEC. 19. In addition to the officers hereinbefore named, there shall be appointed, by said council, a treasurer and a city attorney, removable at pleasure, who shall give such bonds, perform such duties and receive such compensation as may be fixed by ordinance.

SEC. 20. Before any of the officers herein made elective, shall enter upon the discharge of their respective duties; they shall take an oath to support the constitution of the United States, and of the State of Arkansas, and faithfully to demean themselves in office, which oath may be taken by the mayor, before any justice of the peace, and by any other officer, before the mayor or any justice of the peace. Besides which, the recorder and town constable shall, each, enter into bond in such amount as may be fixed by ordinance, and with such security as may be approved by the mayor, conditioned for the faithful discharge of their duties, and that they shall account for all moneys or property, received by them as such officers.

SEC. 21. The common council shall hold its meetings at such regular times and places as may be fixed by ordinance, which shall not be less than once in every three months, but the same may, at any time, be convened by the mayor, or in his absence, any two of the aldermen, which order shall be in writing, and made known to the members of the council, by personal service of the same, upon all and each of them, if practicable, or if not, then on so many as may be within reach of such service.

SEC. 22. In the absence of the mayor, at any meeting of the council, some member thereof may be called, by vote of the council, to preside, and he may for the time exercise, as such presiding officer, all the powers and duties of the mayor.

SEC. 23. Said common council shall judge of the election and qualifications of its own members, and a majority shall be required to constitute a quorum to do business, but a less number may adjourn from day to day, and may be authorized in such manner as may be prescribed by ordinance, to compel the

attendance of absent members. *And provided further*, That no ordinance levying a tax, regulating the amount of a license, authorizing the sale of property, or the confirmation of a contract, or the appropriation of money, otherwise than in payment of a debt already existing, shall be signed by the mayor, or other presiding officer, and become valid, without the assent of at least four members of the council.

SEC. 23. All ordinances shall be signed by the mayor, or presiding officer pro tempore, and shall take effect from and after the day of their passage. But it is hereby made the duty of the recorder to give notice, within two days thereafter, of the passage of all ordinances of general interest to the inhabitants, by posting a copy thereof in three public places in said town, and when the same may be specially ordered by the council, by publication in some newspaper.

SEC. 24. Said common council is hereby authorized to levy and collect taxes on all property, real, personal or mixed, within the limits of said town, not exceeding one-half of one per centum per annum, on the assessed value thereof, and a poll tax, not exceeding one dollar per annum for each voter; *Provided*, That no taxes shall be levied or collected on any church or school property, or scientific apparatus in said town; to make all needful regulations to prevent the introduction of contagious diseases; to establish quarantine and enforce the same; to make provisions to secure the general health of said town, and to prevent and remove nuisances, and for these purposes the jurisdictions of said common council shall extend beyond the limits of said town for the distance of one mile, in all directions; to establish and regulate night-watches and patrols; to make provisions for lighting the streets with lamps, or otherwise; to license and regulate taverns and groceries, billiard tables, ten pin alleys, dram shops, auctions, hawkers, peddlers, shows, theatres, and theatrical performances, and all other exhibitions; to restrain and prevent tippling houses, gaming houses, bawdy houses, and all other disorderly houses or places; to build and repair bridges, aqueducts, viaducts, tanks, cisterns, wells, and all other water-works, for the convenience of said town; to open and close,

grade, pave, or otherwise improve and repair streets, alleys, avenues, lanes, side-walks, drains and sewers; to establish, repair and regulate markets; to provide for and erect all needful buildings, for the use of the town, and inclose, improve and regulate all public grounds belonging to said town; to provide for the inspection, weighing and measuring of provisions, hay, fodder, wood, coal or other fuel, to be used, or offered for sale in said town; to provide for the prevention and extinguishment of fires, and to establish fire companies, to regulate the storage of gun-powder, salt-petre, tar, pitch, cotton, and other combustible substances and materials; to punish the firing of fire arms, or other explosive compounds, in said town; to prevent the furious and unnecessary riding or driving of any horse, mule, or other animal, within the limits of said town; to provide against the drunken, boisterous, riotous and disorderly conduct of individuals, against obscene and indecent language, gestures, and exhibitions, upon the public streets, and against threatening, quarreling, challenging and fighting within the corporate limits; to provide for the enumeration of the inhabitants of said town; to fix the compensation of town officers; to regulate the fees of jurors, witnesses, and all other officers or persons, for services under this act, or any ordinance of the common council; to appropriate all moneys arising from fines, penalties, forfeitures, mulcts, taxes and licenses, and to provide for the payment of debts, and expenses of said town.

SEC. 25. The common council may legally pass all ordinances, by-laws and edicts, which may be necessary or conducive to the full and effectual exercise of all the powers herein granted, and of such other and further powers, for the establishment of a vigilant and complete government and police, within said town, not in conflict with, or repugnant to the laws of this state as indicated by, or flow from the spirit and object of this act, and to sanction and enforce the same by suitable penalties and forfeitures; and by fine, not exceeding one hundred dollars, or by imprisonment in the county jail of Hempstead county, not exceeding one, or both, and the use of the common jail of said county of Hempstead, is hereby granted to said corporation for

the imprisonment and confinement of all persons charged and convicted under, and by virtue of this act, or any ordinance passed by the common council of said town, and it is made the duty of the sheriff of said county, or the jailer, keeping the said jail, to receive and safely keep all such persons until discharged by due course of law, provided said corporation or persons [pay] all jailer's fees.

SEC. 26. The common council shall have the power to provide for the sale of real property, for the non-payment of taxes, and provide for the redemption thereof, and they shall in like manner, provide for and authorize the collector to levy upon and sell any personal property in said town, for any corporation tax due from the owner thereof.

SEC. 27. Said council shall have power to provide, by ordinance, for the paving of the side-walks, by owners or occupants of lots, or property adjoining the same, and if such owners or occupants fail to comply with such provisions, said council may have such work performed and receive all the actual cost thereof from such owners or occupants, to be recovered in an action of debt in the municipal court, in the name of the common council, and the certificate of the mayor, that any occupant of property owned by a non-resident of said town, has paid the amount of said work, shall be a good offset for rent to that amount, due for said property; *Provided*, That no mere occupant of any property shall be required to pay, in any one year, a sum greater than the rent of such property for the year.

SEC. 28. No money shall be paid out of the treasury, except by appropriation made by the common council, and the recorder shall draw his warrant upon the treasurer for such sums as are ordered by the common council, and none other; and shall keep a register of all orders drawn upon the treasury, stating therein the number, date, amount, in whose favor, and for what service or account each order or warrant is drawn.

SEC. 29. All fines, forfeitures, penalties and moneys arising from licenses accruing under this act, or the ordinances of said town, and all fines for offences within the jurisdiction of the municipal court, shall enure the benefit of said town, and

may be appropriated as aforesaid, by the common council, for the benefit thereof, but the said town shall alone be liable for and pay all expenses for the administration of justice, so far as the same may be administered by, and within the jurisdiction of the courts of said town, and the county of Hempstead shall, in no case, be liable therefor.

SEC. 30. All licenses mentioned in the twenty-fourth section of this act, shall hereafter be within the exclusive grant of the common council of said town, and shall not be issued to any person for any such purpose by the county court of Hempstead county.

SEC. 31. Whenever any of the offices herein made elective may become vacant by death, resignation, removal from the town, or from any other cause, such vacancy shall be filled by the common council, unless a longer period of time than six months should intervene between such vacancy and the next regular election, in which case a special election shall be held to fill such vacancy, under such rules and regulations as may be prescribed for that purpose, by ordinance, and the officer so elected shall hold until the next regular election.

SEC. 32. There shall be, and is hereby erected and established in said town, a special court, to be styled "The Municipal Court of Washington," which shall be a court of record, having a seal, which may be the seal of the corporation, and clothed with all the usual powers appertaining to a court of record, in which said court the mayor of said town shall be ex-officio presiding judge; the recorder shall be ex-officio clerk, and the constable, with regard to all the powers to be exercised by said court, shall have the same duties and authority as belong to the sheriff of Hempstead county, as the ministerial officer of the circuit court, and all process issuing out of said court may be served by him in any portion of said county.

SEC. 33. Writs concerning all matters within the jurisdiction of this court, may be issued to any portion of the State of Arkansas, directed to the sheriff of the county to which they may be sent, and be served and returnable, in all respects, as if issued from the circuit court of said Hempstead county.

SEC. 34. Said municipal court shall be held at some point within said town, four times during each year, to-wit: on the third Mondays respectively of March, June, September and December, and shall have power to adjourn from day to day, and shall remain in session, in its discretion, as long as there may be any business before the same.

SEC. 35. Said court shall have original concurrent jurisdiction in all civil matters co-extensive and concurrent with justices of the peace, and in the exercise of such jurisdiction, shall be governed in all respects by the laws at the time being in force, regulating suits before justices of the peace, and appeals may be granted in like manner to the circuit court, and upon such appeals the whole matter shall be tried, de novo, in all respects, as if said appeal had been granted by, and from a justice of the peace.

SEC. 36. Said court shall have original jurisdiction concurrent with the circuit court for Hempstead county, of all offences against the laws of this state of a lower grade than felony, at common law, which may be committed within the limits of said corporation, and in the trial and punishment of such offences, shall proceed as required by law.

SEC. 37. In all criminal matters, heard and determined in said municipal court, there shall be allowed an appeal directly to the supreme court, in like manner, and subject to like regulations as from the circuit court.

SEC. 38. All trials in the municipal court, for offences against the laws of this state, shall be by presentment and indictment of a grand jury, in the manner hereinafter provided.

SEC. 39. It shall be the duty of the common council, immediately after they may have been elected and qualified, after the first Monday in February, 1861, to make out and cause to be delivered to the said town constable, a list of sixteen persons to serve as grand jurors for the body of the county of Hempstead, and particularly for, and in behalf of the body of the corporation of the town of Washington, and it shall be the duty of said town constable, immediately to summon the persons named therein, to appear at the term of the municipal

court for said town of Washington, to be holden in said town, on the third Monday in March, 1861, to serve as grand jurors, and when so assembled, they shall be, and act as the grand jury for the term of the court aforesaid, and in case any one of said persons so summoned, should fail to appear, he may be proceeded against, in all respects, as if he had been summoned to attend any term of the circuit court.

SEC. 40. After said first term of the municipal court, it shall, in like manner, be the duty of said town council, one month before each term of the municipal court, to make out a list of sixteen persons, to serve as grand jurors at the next term of said court, which shall, in like manner, be delivered to the town constable, who shall proceed as above directed, and said jurors, so summoned, may be proceeded against, in all respects, as is done by law in the several circuit courts in like cases.

SEC. 41. Said jurors, when assembled, shall proceed, in all respects, in accordance with the law regulating grand juries in this state; shall possess the same rights and immunities, be subject to the same restrictions and penalties; shall perform the same duties within the jurisdiction of the court, and shall receive the same pay for their services, to be paid by the said town of Washington.

SEC. 42. In case the common council should fail to furnish to the town constable a list of grand jurors, as aforesaid, it shall be the duty of said town constable, at least ten days before each term of the court, to summon sixteen good and lawful men, to act as grand jurors as aforesaid, and to return the names of such to the recorder, before the meeting of the court.

SEC. 43. In case of the failure of any one or more of the grand jurors to appear at any term of the court, it shall be lawful for the mayor to direct talesmen to be summoned, who shall be, in all respects, regarded as legally summoned, and shall be clothed with the same authority, and be subject to like penalties, as if one of the original panel of jurors.

SEC. 44. Petit jurors, for the trial of any case pending in said court, may be summoned as required, and may be taken from any citizens of the county.

SEC. 45. All fines, forfeitures and penalties imposed and collected by said court, shall enure to the benefit of the town of Washington, and said town shall alone be liable to pay all costs and expenses of said judicial proceedings, and the same shall, in no event, devolve upon the county of Hempstead.

SEC. 46. All writs issuing out of said municipal court, shall be in the name of the State of Arkansas, and shall be issued by the recorder, as ex-officio clerk, in the same manner as writs are issued out of the circuit court by the clerk thereof, and the return of the town constable thereon shall be, in all respects, as valid as the return of the sheriff upon any writ issued out of the circuit court.

SEC. 47. Whenever any person shall hereafter be brought before any officer or magistrate, charged with an offence less than felony, committed within the limits of the town of Washington, and such person may be committed to answer, it shall be the duty of such magistrate to recognize such person to appear, or in case of commitment to jail, to commit him or her to appear before the municipal court, instead of the circuit court, as heretofore.

SEC. 48. Any grand juror summoned to serve at any term of the court, may require of the recorder subpoenas for witnesses before the grand jury, as is now allowable in cases of grand jurors summoned for the circuit court.

SEC. 49. Said municipal court shall have the same powers to issue process and punish for contempts as are now exercised by the circuit courts.

SEC. 50. All judgments rendered in the municipal court shall be a lien upon the real estate in the county of Hempstead of the party against whom rendered, from the time of its rendition, and upon the personal property from the time of the issuance of the writ of execution; *Provided*, That in case of a person charged with a criminal offence, the property, both real and personal, of such person, shall be bound from the time of his arrest, or the time of the finding of a bill of indictment against him, whichever shall first happen, for the payment of fines and costs, which may be adjudged to pay.

SEC. 51. Said common council may appoint a town attorney, for the prosecution of criminal cases in the municipal court, and in other matters, to protect the interests of the corporation, and in all criminal cases he shall be allowed the same fees, to be collected as costs, as are now allowed to prosecuting attorneys for the state, and in other matters shall be allowed such compensation as may be fixed by the council.

SEC. 52. All the debts, obligations and duties of the old corporation of the town of Washington shall be assumed by the corporation hereby created and established, and all the rights, contracts, and choses in action, shall in like manner enure and belong to the new corporation.

SEC. 53. The citizens of said town shall be exempt from working on roads, and from road taxes, to be laid by the state or county.

SEC. 54. This act shall be a public act, and be in force from its passage.

APPROVED, January 17th, 1861.

No. 120.

AN. ACT in reference to *appeals*, in swamp land cases, to the Auditor.

SECTION

1. Right of appeal in conflicting claims.
2. Land agent to send up transcript.

SECTION

3. Act to be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That in all cases of conflicting pre-emptions to the swamp and overflowed lands which may come before the land agents for decision, or cases of conflicting claims under

existing laws, or cases of either class, determined, and in which appeals have been prayed, either party interested shall have the right to appeal to the auditor, whenever the decision is or has been against him, and have the decision reviewed; and in all cases heretofore decided by the local land agent, such appeal shall be taken within ninety days after the passage of this act; and in all cases which may arise hereafter, such appeal shall be prayed for within sixty days after rendition of the judgment complained of, and in this, and in all cases of appeal, notice shall be given to the adverse party.

SEC. 2. The person taking the appeal shall obtain from the land agent a transcript of the case, and of all the proof and depositions, certified by the land agent, he paying the expenses thereof, and which shall be sent to the auditor, who, after giving such notice to the parties, or their attorneys, as he may deem reasonable, and in such manner as he may think best; shall hear the appeal, and his decision shall be certified to the land agent, when made, and the land agent shall conform thereto, and may give such directions as may enable the same to be carried out, and such decision shall be final and conclusive, subject only to judicial investigation.

SEC. 3. This act shall be in force from its passage.

APPROVED, January 17th, 1861.

No. 121.

AN ACT to authorize the clerks of the circuit courts of Clark and Scott counties to transcribe certain records in their offices.

SECTION

1. Clerks authorized to transcribe certain records.
2. When transcribed to be presented to the court duly certified.

SECTION

3. These attested copies to be received as evidence in courts.
4. Fees of clerks for transcribing.
5. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the clerks of the circuit courts of Clark and Scott counties be, and they are hereby authorized and required to transcribe, in well bound books, such records as the county courts of said counties may deem necessary for the preservation thereof and the best interests of said counties:

SEC. 2. *Be it further enacted*, That the said clerks shall, at the first term of the county court of said counties, after they have completed such transcribing, present the same to said court duly certified, for its inspection, and the court shall carefully compare them with the originals, and when the court is satisfied that the copies so transcribed are full, true and perfect copies of the originals, then the presiding judge shall so certify the same, which transcript or copies so certified shall be as binding and valid, both in law and equity, as the original record could be.

SEC. 3. *Be it further enacted*, That the transcripts or copies thereof, attested by said clerks, and under their seals, shall be received as evidence, in all courts in this state, in the same manner as transcripts from the originals, as is now prescribed by law.

SEC. 4. *Be it further enacted*, That the said clerks of said counties of Clark and Scott, shall be entitled to the same fees for their services in transcribing the said records, as they are now entitled by law to receive for performing similar services.

SEC. 5. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, January 17th, 1861.

No. 122.

AN ACT for the relief of Joshua McH. Hicks, of Sebastian county.

Joshua McH. Hicks relieved from judgment on recognizance.

WHEREAS, Joshua McH. Hicks entered into recognizance to the State of Arkansas in the sum of one thousand dollars for the appearance of one Swinney Paxton, a Choctaw Indian, before the circuit court of Sebastian county, in the State of Arkansas, to answer an indictment pending therein against him for an assault with intent to kill; and the said Paxton, on account of sickness, failed to make his appearance, according to the recognizance, and a forfeiture was taken, and scire facias issued; And whereas, The said Joshua McH. Hicks did produce in open court at the time to which said scire facias was made returnable, the said Swinney Paxton, and deliver him to the sheriff of said county of Sebastian; and the judge of the court adjourned the court on account of sickness, and the said judgment has become final, and execution is in the hands of the sheriff to be levied and collected; therefore,

Be it enacted by the General Assembly of the State of Arkansas, That the said Joshua McH. Hicks be, and he is, hereby released and discharged from the judgment aforesaid, and the clerk of the circuit court of Sebastian county, aforesaid, shall, upon the payment of all the costs in said suit, by the said Hicks, or his legal representatives, enter full satisfaction of said judgment.

APPROVED, January 18th, 1861.

No. 123.

AN ACT to incorporate the *Brownsville Male Academy.*

SECTION

1. Names of corporators, and style of corporation.
2. Said corporation competent to hold real and personal property.
3. Power to appoint president and other officers.

SECTION

4. Corporation may institute a board of examination, and grant diplomas.
5. Sale of liquors in two miles prohibited.
6. Penalty for violating sec. 5.
7. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That John Wright, Thomas Grey, J. C. Hicks, George Hallum, R. S. Gantt, W. J. Rogers, E. W. Douglass, Wm. Goodrum, J. L. Hunt, and their successors be, and they are, hereby created a body politic and corporate, under the name and style of "The Brownsville Male Academy," and henceforth shall be known by that name, and by that style, and by that style and name have power to appoint their successors, to sue and be sued, plead and be impleaded, to have a common seal, and alter the same at pleasure, and to make, and to alter, from time to time, such by-laws as they may deem necessary for the government of said school, its officers and teachers; *Provided*, Such by-laws are not inconsistent with the constitution and laws of this state or of the United States.

SEC. 2. That said corporation shall have power to fill such vacancies as may occur in their body by death, resignation or otherwise.

SEC. 3. That said institution shall be competent in law and equity to take and hold, in its said corporate name, real, personal and mixed property, by gift, grant, bargain and sale, conveyance or devise, of any person or persons whomsoever; and the same estate, whether real or personal, to grant, bargain, sell, convey, devise, let out at interest, or otherwise dispose of for the use of said school, in such manner as may seem most beneficial to said school; they shall apply the funds that may

come into their hands, in constructing and enlarging suitable buildings, supporting necessary officers, instructors and servants and in procuring books, maps, charts, globes, and philosophic, chemical, and all other apparatus necessary to the success of said school.

SEC. 4. That said corporation shall have power to employ and appoint a president, treasurer, and all such teachers, professors and servants as may be necessary for said school, and shall have power to displace any of them, as the interest of said school requires, and to fill vacancies that may happen among teachers, professors or officers, and to prescribe and direct the course of studies to be pursued in said school.

SEC. 5. That said corporation shall have power to institute a board of competent persons, always including the faculty, who shall examine all applicants for collegiate and academical degrees, and if such applicants are found to possess such acquirements as, in the judgment of said board, render them worthy, they may be considered in course, and shall be entitled to a diploma accordingly, on paying such fee as shall be prescribed by said corporate body.

SEC. 6. That no person shall be permitted by law to sell or retail intoxicating liquors within two miles of said male academy.

SEC. 7. That any person or persons violating the provisions of the preceding section, shall, for each offence, be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined in any sum not less than twenty-five dollars.

SEC. 8. *Be it further enacted*, That this act remain and be in force ninety-nine years from and after its passage.

APPROVED, January 18th, 1861.

No. 124.

AN ACT *authorizing the purchase of a culvert for Old River, in Pulaski county.*

SECTION

1. Twenty-five hundred dollars appropriated.

SECTION

2. Agents make the purchase.
3. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the sum of twenty-five hundred dollars be appropriated out of the swamp land fund for the Little Rock district, to purchase a culvert for the levee now being built across the mouth of Old river, in section one, of township one south, of range eleven west.

SEC. 2. *Be it further enacted*, That Conway Scott and Thomas W. Steele, or either of them, are appointed agents on the part of the state, to purchase said culvert, and they, or either of them, are hereby authorized to draw the amount appropriated for that purpose, out of the swamp land fund of the Little Rock district; *Provided*, That no other fund than the fund of said district shall be responsible for the payment of the same, or any damages incurred thereby.

SEC. 3. *Be it further enacted*, That this act take effect from its passage.

APPROVED, January 18th, 1861.

No. 125.

AN ACT for the relief of *Duke Marlow and Andrew Beal.*

SECTION.

1. Duke Marlow authorized to enter one hundred and twenty acres in Clarksville district.

SECTION.

2. Andrew Beal authorized to enter forty acres in same district.

WHEREAS, Duke Marlow did make out his declaration in writing, and under oath, for the purpose of securing a pre-emption to the S. W. qr. of the S. E. qr of section 25, the N. W. qr. of the N. E. qr. and the S. E. qr. of the N. W. qr. of section 36, in township 3 N. of R. 31 W.; And whereas, The said Duke Marlow has reclaimed the said tract of land, and did, on the 5th of April, 1860, procure the certificate of the auditor, that said tract of land had been reclaimed by said Marlow, according to the 15th section of chapter 101, of Gould's Digest; And whereas, the said declaration necessary to obtain such pre-emption, made by the said Marlow, was mislaid, and said tract of land was sold to the highest bidder, by the land agent at Clarksville, by which the said Duke Marlow lost the said land, after he had reclaimed the same, and also, all his improvements thereon; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That said Duke Marlow, be, and he is hereby authorized to enter any unappropriated swamp and overflowed lands, which have been confirmed to the State of Arkansas, within the Clarksville district, amounting to one hundred and twenty acres, in contiguous tracts, according to legal subdivisions, and the land agent at Clarksville is required to receive the said land certificate in payment of the same.

SEC. 2. *Be it further enacted*, That Andrew Beal be, and he is, authorized to enter any unappropriated swamp lands confirmed to the State of Arkansas, within the Clarksville swamp land district, amounting to forty acres in legal subdivision and the land agent of said district is required to receive

auditor's certificate No. 427, in payment of said forty acres of land.

SEC. 3. *Be it further enacted*, That this act be in force from its passage.

APPROVED, January 18th, 1861.

No. 126.

AN ACT *to repeal an act entitled "An act to incorporate the trustees of the Magnolia Female Institute."*

SECTION 1. An act to repeal the act of incorporation of Magnolia Female Institute

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That an act approved the fifth day of February, A. D. eighteen hundred and fifty-nine, entitled "an act to incorporate the trustees of the Magnolia Female Institute, be, and the same is hereby repealed.

APPROVED, January 18th, 1861.

No. 127.

AN ACT *for the relief of Anthony W. Cole, late sheriff and collector of the county of Sevier.*

SECTION.

1. Sum refunded.

SECTION

2. When to take effect.

WHEREAS, Anthony W. Cole, as sheriff of Sevier county, having assessed certain swamp and overflowed lands, which lands, by a decision of the Supreme Court of the State of Arkansas, were declared exempt from taxation. The owners of said lands refused to pay the taxes thereon, basing their refusal upon the decision of the Supreme Court; now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the sum of six hundred and three dollars and eight cents be refunded to Anthony W. Cole, being the amount paid by him into the state treasury on certain swamp and overflowed lands, which were exempt from taxation. That the auditor is hereby authorized to draw a warrant upon the treasury in favor of Anthony W. Cole, or his agent, for the above amount, to be paid out of any moneys not otherwise appropriated.

SEC. 2. That this act take effect and be in force from and after its passage.

APPROVED, January 18th, 1861.

No. 128.

AN ACT to authorize a change of streets in Section Sixteen, in Township seven South, in Range nineteen West.

Be it enacted by the General Assembly of the State of Arkansas, That the city council of the city of Arkadelphia, and the trustees of township seven, in range nineteen west, shall be authorized to make any change in the streets which lay in the sixteenth section in said township, and within the limits of said city; *Provided*, Said alterations shall be assented to by the owners of property adjacent to the streets to be altered; *And*

provided further, That where the property is under the control of administrators and guardians, their assent shall be sufficient.

APPROVED, January 18th, 1861.

No. 129.

AN ACT *to attach a portion of Crittenden county to the county of Mississippi.*

SECTION 1. What portion attached.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That all that portion of Dean's Island, in Crittenden county, above Shawnee Bend, be, and the same is hereby attached to the county of Mississippi.*

SEC. 2. That this act be in force from and after its passage.

APPROVED, January 18th, 1861.

No. 130.

AN ACT *concerning Swamp Lands.*

SECTION

1. What lands in Bradley county are affected by this act. Price fifty cents per acre.

SECTION

2. Previous sales confirmed.
3. To take effect immediately.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all swamp and overflowed lands, now, or hereafter subject to entry, according to existing laws, which lie within six miles of the Saline river, in the portion of country above Mt. Elba, in Bradley county, and White river, above the three forks of the same in Washington county, shall be subject to entry at fifty cents per acre, any law or ordinance to the contrary notwithstanding.

SEC. 2. Any entries of swamp land made in said portion of country above described heretofore in good faith at fifty cents per acre shall be perfected into titles without any further payment, any law to the contrary notwithstanding.

SEC. 3. This act shall take effect from its passage.

APPROVED, January 18th, 1861.

No. 131.

AN ACT to erect additional buildings upon the Penitentiary grounds and for other purposes.

SECTION

1. Dimensions of new buildings. Auditor, treasurer and secretary of state, to contract with A. J. Ward.
2. To contract with said Ward also for the keeping of convicts.
3. Twenty-three thousand dollars to be paid for the said buildings. Work to be done in two years.
4. Governor to appoint inspector to report progress.

SECTION

5. Inspector to make quarterly reports.
6. Governor to appoint physician for penitentiary.
7. Keeper of penitentiary to introduce machinery, on what conditions.
9. Commutation of term of imprisonment—on what conditions.
10. A. J. Ward forbidden to receive pay for pardoned prisoners.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the auditor of public accounts, treasurer and

secretary of state, be, and they are hereby authorized and required to contract with Andrew J. Ward, of Little Rock, upon the terms hereinafter stated, for the construction of an additional work shop, a warden or keeper's house, additional cells and apartment for female convicts; to be of the following dimensions and material, to-wit: First, an extension of the smith shop seventy-five feet, raising the whole building to two stories high, covered with slate; material and finish as the work shop within said penitentiary wall. Secondly, an addition of sixty-four new cells to the dormitory or main building, the openings in wall, grates, the locks and cells corresponding with those now erected, raising the main building three or four feet higher, affording proper light and ventillation to the cells. Thirdly, a warden or keeper's house, to be built over the gate adjoining the wall, of the dimensions, and upon the plan as represented by the draft of said A. J. Ward, submitted to the committee on the penitentiary, which said draft shall, upon the passage of this act, be filed by the clerk of this house, in the office of the secretary of state, to be preserved; to be built of brick, with slate roof, and furnished in a workmanlike manner, and of as good material as the work shop now in said yard.

Sec. 2. *Be it further enacted,* That the said auditor, treasurer and secretary of state, are also authorized and required to contract with the said Andrew J. Ward, for the safe keeping, clothing, subsistence and humane treatment of the convicts now in, and which may be in said penitentiary, for the term of eight years from the date of this contract herein authorized to be made; the said contractor to have the labor of said convicts, for eight years from the date of this contract, or until the expiration of the term of their sentence, if the same shall expire during said term of eight years, or be pardoned by the governor, and shall introduce machinery in the prison for the manufacture of bagging and rope, at his own expense, and shall manufacture coarse shoes for negroes, and shall so direct the labor of the convicts as to compete as much as possible with manufacturing

in the northern states of this Union, and compete as little as possible with the mechanics of this state.

SEC. 3. *Be it further enacted*, That for the building of said work shop, building said cells, and for the building of said warden or keeper's house, in the manner as in the first section of this act required, and further keeping, clothing and subsisting said convicts, as in the second section hereof provided, the said auditor, treasurer, and secretary of state, are hereby authorized, on behalf of the State of Arkansas, to agree that the said contractor, A. J. Ward, shall receive from the said state, the sum of twenty-three thousand dollars, to be paid to him as hereinafter provided; that said contractor, Andrew J. Ward, shall, within ten days from and after the passage of this act, enter into bond, with security, to the State of Arkansas, in the sum of one hundred thousand dollars, conditioned that the work contracted for by this act, shall be done and performed as required, and be fully completed within the term of two years, and that all the convicts which may be in said penitentiary during said term of eight years, shall be kept, clothed and provided for, during the eight years from the date of this contract, free from all other expense to the state, except as hereinafter provided, which bond shall be approved by the said auditor, treasurer and secretary of the state; that in case the said A. J. Ward shall fail, neglect, or refuse to enter into the bond required to be given by this act, within the time herein prescribed, the said auditor, treasurer, and secretary of state may contract with any other person to take charge of the penitentiary, and the convicts therein, and make the improvements herein provided for, and upon the terms and conditions, and for the amounts prescribed and provided in this act.

SEC. 4. *Be it further enacted*, That the governor be, and he is hereby authorized to appoint one competent inspector of the work done under the contract, provided for by this act, who shall report to the governor the progress of the work, and quality of material furnished for said buildings; and said inspector shall, from time to time, as materials are furnished, and as said work progresses, certify to the governor such amount as shall

be necessary to aid said contractor, Andrew J. Ward, in the building and completing said work; *Provided*, That said inspector shall, at no time, certify any amount, as provided by this section, for more than the value of materials furnished, and work done, and the governor shall, upon the presentation to him of such certificate, draw an order on the auditor, requiring him to issue a warrant on the state treasurer for the amount stated in such certificate, which shall be paid out of any moneys in the treasury not otherwise appropriated; and the sum of twenty-three thousand dollars be, and the same is hereby appropriated out of any money in, or which may be in the state treasury, not otherwise appropriated, for the purpose of carrying into effect the contract provided for in this act.

SEC. 5. *Be it further enacted*, That said inspector shall be ex-officio supervisor of the convicts of the penitentiary, and shall make quarterly reports to the governor, of the health, treatment, and conduct of the convicts, and shall receive for his services five hundred dollars per annum, to be paid quarterly, as other officers, and for cause, subject to removal by the governor.

SEC. 6. *Be it further enacted*, That there shall be, and the governor is hereby authorized to appoint an attendant physician for said penitentiary, who shall make quarterly reports to the governor, of the condition of [the] penitentiary, cleanliness, cells or apartments, health of convicts, treatment received in sickness and health, who shall receive a salary of five hundred dollars per annum, and for good cause, shall be subject to removal.

SEC. 7. *Be it further enacted*, That said keeper of the penitentiary shall, in addition to the machinery named in the second section of this act, introduce, at his own expense, such machinery as may be necessary to carry on the manufacturing of any article he may desire to manufacture; that at the expiration of the term of said contract, the governor of the state shall appoint three commissioners, whose duty it shall be to make an estimate of the amount of such machinery then on hand, that may be of value to the state for penitentiary use, and the value

thereof, at the expiration of said contract, and the state shall have the privilege of taking any or all of said machinery at said valuation.

SEC. 8. *Be it further enacted*, That every convict who shall wilfully and maliciously burn, or cause to be burnt, or attempt to burn, the said penitentiary house, or any of the buildings therewith connected, shall be deemed guilty of arson, and, on conviction, shall suffer death, and on the trial of such convict, or convicts, for such arson, any of the convicts in said penitentiary shall be a competent witness on the part of the state.

SEC. 9. *Be it further enacted*, That for the encouragement of the prisoners to conduct themselves with industry and propriety, it shall be the duty of the governor, whenever it appears from the weekly reports of the contractor and keeper that the conduct of a prisoner has been exemplary and unexceptionable for a whole month together, to commute such prisoner's term of imprisonment for any period of time not exceeding two days for each and every month that he may have so conducted himself.

SEC. 10. *Be it further enacted*, That nothing in this act shall be so constructed as to allow the said contractor, A. J. Ward, to receive any pay for pardoned convicts.

APPROVED, January 15th, 1861.

No. 132.

AN ACT amendatory of the common school laws of the county of
Arkansas.

SECTION

1. School funds to be paid directly to school commissioner, and not to county treasurer.

SECTION

2. Treasurer to deliver to said commissioner all moneys, books, etc.

SECTION

3. Commissioner to fill vacancy in the office of trustee.
4. Commissioner to sell lands—with what provisos.

SECTION

5. Office of treasurer in congressional township abolished.
6. Compensation of commissioner.
7. Conflicting laws repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That from and after the passage of this act, the sheriff of the county of Arkansas, and all other persons, who may receive any of the moneys belonging to the school fund in said county, shall pay the same directly to the commissioner of common schools, in said county, and take duplicate receipts therefor, instead of paying the same to the county treasurer.

SEC. 2. *Be it further enacted*, That the treasurer of said county be required to deliver over to said common school commissioner all the books, papers, and documents appertaining to the common schools in said county, and pay over to him all moneys in his hands belonging to the common school fund, and the said common school commissioner shall have power and authority to sue on and collect all notes, bonds, or other contracts, so delivered over to him, in like manner as the successor in the office of treasurer might do.

SEC. 3. *Be it further enacted*, That whenever it shall appear to the school commissioner in said county that there is a vacancy in the office of trustees of common school in any of the congressional townships in said county, he is authorized to fill such vacancy or vacancies, by appointment, giving to the trustee so appointed a certificate of such appointment.

SEC. 4. *Be it further enacted*, That in selling any of the school lands in said county, the common school commissioner be empowered to sell the same in such sized tracts, not exceeding three hundred and twenty acres, as, in his opinion, will best enhance the interest of the common school fund in said county.

SEC. 5. *Be it further enacted*, That the common school commissioner in said county be authorized to hold all funds in his hands belonging to the several congressional townships in said county, and pay the same out for the benefit of common schools in the several townships, as the law directs, and that the office

of treasurer in the several congressional townships be abolished.

SEC. 6. *Be it further enacted*, That for the safe keeping and management of the common school fund in said county, the common school commissioner shall receive three per centum on all moneys which may come to his hands, as a compensation for his services as such.

SEC. 7. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed, so far as the county of Arkansas is concerned, and that this act take effect and be in force from its passage.

APPROVED, January 18, 1861.

No. 133.

AN ACT to attach a part of Lawrence county to Randolph county.

SECTION

1. A part of Lawrence county attached to Randolph.

SECTION

2. New boundary lines.
3. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all that territory of Lawrence county lying and being within the following described boundary lines, be, and the same is hereby attached to the county of Randolph, and shall become a part of the territory of said Randolph county.

SEC. 2. *Be it further enacted*, That the following described boundary lines be, and the same shall become the boundary line between Lawrence county and Randolph county, to-wit: To begin on the line between the State of Missouri and said county of Lawrence, on the middle of the dividing ridge, between James' creek and Martins' creek, thence to run in a

south-eastern direction along the centre of said ridge to the head of Williams' creek; thence in a south-eastern direction along the centre of the dividing ridge, between Williams' creek and James' creek, to Spring river; thence down the middle of the main channel of Spring river, to the mouth of said Spring river; thence up Black river to the Randolph county line.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, January 18th, 1861.

No. 134.

AN ACT for the relief of James S. Bennett, of Pope county, and Edward C. Swain, of Newton county, for, and on account of labor done, and money expended in the arrest of Cooper and Blackstone, escaped convicts from the penitentiary.

SECTION

1. One hundred dollars each appropriated to Bennett and Swain.

SECTION

2. Auditor to issue warrant for the account; act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That for, and on account of services performed and money expended in the arrest and delivery of escaped convicts, Cooper and Blackstone, to the keeper of the penitentiary of the State of Arkansas, by James S. Bennett and Edward C. Swain, that they have and receive out of any money not otherwise appropriated in the treasury, the sum of one hundred dollars each.

SEC. 2. *Be it further enacted*, That the auditor issue a warrant upon the treasury for said sum to said parties founded upon the act; and that this act be in force from and after its passage.

APPROVED, January 18th, 1861.

No. 135.

AN ACT to amend an act, entitled an act, to incorporate the city of Camden.

SECTION

1. Boundary line as extended.
2. County of Ouachita not allowed to collect tax for license in Camden.
3. Mayor and aldermen may subscribe for stock in railroads and stock companies.

SECTION

4. Certificate of recorder evidence of election of mayor and aldermen.
5. Mayor and aldermen allowed to issue bonds.
6. All conflicting laws repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the corporate limits of said city shall be as follows, namely: Commencing at a stake one mile and four rods due south from the door of the new court house in said city; thence east one mile and three rods to corner stake witness trees, gum, ten inches through, south 45 degrees east, 22 feet, gum 14 inches through; north 25 degrees east, 48 feet; thence north half a mile and one rod to a white oak four feet through on the bank of the Ouachita river, north-east of the residence of Robert Nolen; thence north 47 degrees west, about ten rods to middle of the river, starting again at initial points, the line runs west one mile, crossing Washington road between a white oak and pine, to a corner near Hodge's witness trees, beech 15 inches through, north 61 degrees east, 35 feet, sweet gum 24 inches through; south 66 degrees east, iron wood 10 inches through, south 31 degrees east 33 feet; thence north two miles and four rods, passing three feet east of south-west corner Grochs' lot, and through Henry Ross' lot to a corner stake; witness trees, black gum 14 inches through, north 66 degrees west 21 feet, dead chinquepin, tell, 6 inches through; south 88 degrees west, 9 feet; pine 10 inches through, south, 10 west 13 feet; thence east one mile to stake; witness trees, beech 10 inches through, 54 degrees west, 13 feet; white oak, 36 inches through, north 36 degrees east, 12 feet; thence south twenty rods to stake on bank of river; witness trees, red oak 4 feet

through, west 9 feet; holly 10 inches through, east 13 feet; thence north about ten rods to middle of river, and thence following middle of river to a point in the river near Robert Nolens'.

SEC. 2. *Be it further enacted*, That it shall not be lawful hereafter for the county of Ouachita to demand, receive or collect any license, tax for retailing spirituous liquors in less quantities than one quart within the limits of said city, but the right to levy and collect such license tax shall be, and is hereby vested exclusively in the mayor and aldermen of said city, for the use and benefit of the inhabitants thereof; and said mayor and aldermen shall have full power and authority to regulate and control all establishments within said city, where liquors are retailed as aforesaid, and to order the same to be closed whenever the public good may so require.

SEC. 3. *And be it further enacted*, That the mayor and aldermen of said city may subscribe for stock in any railroad which runs to, from or through said city; or in any joint stock company for lighting said city with gas; *Provided*, That any proposition to subscribe for any such stock shall first be submitted to the voters of said city, and by a majority of said votes approved.

SEC. 4. *Be it further enacted*, That the mayor and aldermen of said city shall not be commissioned by the governor, as heretofore, but the certificate of the recorder shall be evidence of all elections in said city; *Provided, however*, That the recorder shall be commissioned as heretofore:

SEC. 5. *Be it further enacted*, That the mayor and aldermen shall be authorized, in view of the making of any permanent improvements in the city, or discharging just liabilities therefor, at any time they may think it advisable, to issue bonds of the corporation, sealed with the seal of the corporation, if such they have, if not signed by the mayor for the time being under his private seal, in any amount they may think necessary, to become due not less than ten, nor more than fifteen years from date, to bear not exceeding ten per cent. interest, payable annually, and to be negotiated at no greater discount than ten

per cent., or at the value of ninety cents on the dollar, proceeds to be applied for the benefit of the city, and a sufficient portion of the city revenue to be set apart and appropriated each year to pay such interest at the expiration of the fiscal year; *Provided, however,* That not more than ten thousand dollars shall be outstanding at any one time.

SEC. 6. *Be it further enacted,* That all laws and parts of laws in conflict with this act, be, and the same are hereby repealed.

SEC. 7. *Be it further enacted,* That this act take effect from the time of its passage.

APPROVED, January 18th, 1861.

No. 136.

AN ACT to provide for the election of a tax assessor and collector in the counties of Poinsett and Independence.

SECTION

1. To elect tax collector and assessor on first Monday of August, 1862.
2. Assessor and collector to be governed by existing laws; their compensation.

SECTION

3. The bond to be given, and to whom.
4. Provision for failure to give bond.
6. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the qualified voters of the counties of Poinsett, Independence and Crittenden, shall, on the first Monday of August, A. D., eighteen hundred and sixty-two, and every two years thereafter, elect an assessor and collector of taxes for said counties, who shall hold his office during two years, and until his successor be elected and qualified.

SEC. 2. *Be it further enacted,* That said assessor and collector shall be governed by the existing laws, regulating the assessment, collection and payment of the revenues of this state,

and shall receive for his services as said assessor and collector, the same per centage on all taxes levied and collected, as is now paid the sheriffs of said counties of Poinsett, Independence and Crittenden.

SEC. 3. *Be it further enacted*, That said assessor and collector shall give bond for the faithful discharge of his duties as assessor and collector within ten days after his election, in such sum as the county court of Poinsett and Independence and Crittenden counties shall prescribe.

SEC. 4. *Be it further enacted*, That in case the said assessor and collector shall fail to give bond within the time prescribed by this act, the county court shall declare the office vacant, and appoint some suitable person to fill such vacancy, who shall hold his office until his successor is elected and qualified; and in all cases where a vacancy shall occur in said office, the county court shall fill the same by appointment as above herein provided.

SEC. 5. *Be it further enacted*, That this act shall be in force and take effect from and after the first Monday of August, A. D., eighteen hundred and sixty-two; and that all laws conflicting with this act, so far as the counties of Poinsett, Independence and Crittenden counties is concerned, be, and are hereby repealed.

APPROVED, January 19th, 1861.

No. 137.

AN ACT to authorize and require the common school commissioner of Washington county to sell certain school lands in said county.

SECTION

1. What lands to be sold, and on what conditions.

SECTION

2. Act to apply to all sixteenth section school lands.

3. When to take effect.

WHEREAS, There are certain school lands in the county of Washington, lying near the county line, and whereby the school townships are divided by the county line between Washington and Madison counties; And whereas, The common school commissioner is, under existing laws, not empowered to sell the same, and in order that the same may be sold, and the proceeds of said sale be divided between the counties of Washington and Madison, pro rata, in accordance with the amount of school [land] lying in each county; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the common school commissioner of Washington county, be, and he is hereby authorized and required, upon the petition of a majority of the voters of congressional townships numbered fourteen and fifteen, range twenty-eight west, in Washington county, to sell the sixteenth section in said township, as under existing laws governing the sale of other school lands, taking notes, with adequate security, from purchaser, and hand over to the school commissioner of Madison county, notes to the amount in justice due said county; the proceeds of the sale of said sections, to be divided between said counties, pro rata, according to the proportional amount of said school townships lying within the respective counties.

SEC. 2. *Be it further enacted*, That should there be found to be any other sixteenth section or school lands, situated as the foregoing sections are in the county of Washington, the first section of this bill is hereby made applicable to them also.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage, hereby repealing all laws conflicting with the same.

APPROVED, January 19th, 1861.

No. 138.

AN ACT *to permanently locate the county seat of Fulton county.*

SECTION 1. Town of Salem to be the county seat of Fulton.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That the town of Salem, in the county of Fulton, be, and the same is, hereby permanently located as the county seat of Fulton county.*

SEC. 2. *Be it further enacted, That this act be in force and take effect from and after its passage.*

APPROVED, January 19th, 1861.

No. 139.

AN ACT *for the benefit of N. B. Marbry, of Conway, and Nathaniel Reagan, of Arkansas county,*

SECTION 1. Allowed to peddle in their respective counties free from charge.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That N. B. Marbry, of Conway, and Nathaniel Reagan, of Arkansas county, be, and they are, hereby allowed the privilege of hawking and peddling, free of charge, and without obtaining any license therefor, the former in the counties of Conway and Perry, the latter in the county of Arkansas.*

SEC. 2. *Be it further enacted, That this act take effect and be in force from and after its passage.*

APPROVED, January 19th, 1861.

No. 140.

AN ACT for the relief of McNeil & Gracie.

SECTION

1. Treasurer to re-issue scrip to McNeil and Gracie.

SECTION

2. Conditions annexed.
3. When to take effect.

WHEREAS, P. B. Gracie, of the firm of McNeil & Gracie, lost swamp land scrip to the amount of one hundred and sixty dollars, and when found it was so mutilated that the numbers and amounts could not be made out; And whereas, Henry McNeil, of said firm, was drowned with one hundred and twenty dollars of scrip upon his person, and when the body was found the scrip was so dissolved it could not be used; all the aforesaid scrip having been issued to McNeil & Gracie for levee work done in the Pine Bluff district, on the twenty-second day of February, eighteen hundred and fifty-eight; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the state treasurer be authorized to re-issue to McNeil & Gracie the sum of two hundred and eighty dollars in swamp land scrip, subject to location in said Pine Bluff district, and to bear date of the original scrip so issued to them, and said scrip may be located in said district within one year from the passage of this act.

SEC. 2. *Be it further enacted*, That said scrip shall not be issued until there be deposited with the state treasurer a bond for double the amount of said scrip, to indemnify the state against loss, should any of it ever come to light.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, January 10th, 1861.

No. 141.

AN ACT to prevent the sale of spirituous liquors within two miles of Mountain Home Male and Female Academy, in Marion county, and Three Creeks Female Institute, in Union county, Arkansas.

SECTION

1. Unlawful to sell liquors within two miles of the academy.

SECTION

2. Penalty annexed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That it shall not be lawful for any person or persons to sell spirituous liquors within two miles of Mountain Home Male and Female Academy, in Marion county, and Three Creeks Female Institute, in Union county.*

SEC. 2. *Be it further enacted, That if any person or persons shall be found violating the provisions of this act shall, on conviction thereof, be fined in any sum not less than twenty dollars for each separate offence.*

SEC. 3. *Be it further enacted, That this act take effect and be in force from and after its passage.*

APPROVED, January 19th, 1861.

No. 142.

AN ACT to revive and put in force an act, entitled "an act to incorporate the Town of Dardanelle, in Yell county, Arkansas," approved 17th January, eighteen hundred and fifty-five, and for other purposes.

SECTION

1. Boundaries.

2. The act approved 17th of January,

SECTION

1855, revived.

3. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the town of Dardanelle, in the county of Yell, in the State of Arkansas, be, and the same is, hereby incorporated, with the limits and boundaries set forth in the first section of the act approved 17th January, eighteen hundred and fifty-five, referred to in the title of this bill.

SEC. 2. *Be it further enacted,* That the act approved 17th January, eighteen hundred and fifty-five, entitled "an act to incorporate the Town of Dardanelle, in Yell county, Arkansas," be, and the same is, hereby revived and put in full force, and that an election shall be held on the first Monday of January, A. D. eighteen hundred and sixty-two, for the election of the officers provided for in fifth section of the act aforesaid, and until such election, Stephen Mills shall be alderman, Dudley D. Mason, M. A. J. Bonville, John C. Banks, L. D. Strayhorn and Alfred Ferrill shall be councilmen, and Thomas Hammond shall be constable of said town; and they, and each of them, shall exercise all the powers conferred by the provisions of the act aforesaid, and shall hold their offices until their successors are elected and qualified.

SEC. 3. *Be it further enacted,* That this act shall take effect and be in force from and after its passage.

APPROVED, January 19th, 1861.

No. 143.

AN ACT to incorporate the Pine Bluff Telegraph Company.

SECTION

1. Corporators and style of corporation.
Route of line.
2. Capital stock.

SECTION

3. A board of directors to manage affairs of the company.

SECTION

4. Stockholders not liable beyond the stock subscribed.
5. Right of way granted.
6. Penalty for molesting or injuring telegraph line.

SECTION

7. Cities and corporations allowed to take stock.
8. County courts may subscribe stock.
9. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Samuel Butler, James Yell, Anthony A. C. Rogers, Reuben W. Millsaps, James H. Hawley and Hersmon Garlton, and their associates and assigns, are hereby created a corporation and body politic, under the name of the Pine Bluff Telegraph Company, for the erection and managing of lines of telegraph, extending from Pine Bluff to Little Rock, and from Pine Bluff to Napoleon; from Pine Bluff to Monticello, Warren, Hamburg, Camden, Magnolia, and to the Texas boundary line; from Pine Bluff to Princeton, Arkadelphia, Washington, and Fulton; from Pine Bluff to Van Buren and Fort Smith; from Pine Bluff to Des Arc, Augusta, Jacksonport and Batesville; and from Pine Bluff to Eunice, Gaines' Landing, and Lake Village, and such branch lines leading to other locations as the board of directors may decide upon, with a succession of ninety-nine years, and by such name of Pine Bluff telegraph company, shall be capable to sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction, and shall have power to make and use a common seal, and the same to alter and renew at pleasure; buy and sell real estate, necessary to carry out the objects and provisions of this charter; to make, contract and enforce the same, and to establish and put in full force such by-laws, rules and regulations as may be necessary and proper to carry into effect the provisions of this act, and shall have all the powers incident at common law, not inconsistent with the laws of this state, and of the United States.

SEC. 2. *Be it further enacted*, That the capital stock of the company shall not exceed one hundred and fifty dollars per mile for each and every mile a telegraph line shall be constructed by said company.

SEC. 3. *Be it further enacted*, That the affairs of the company

shall be managed by a board of directors; the number to compose such board, and the election of president, secretary and treasurer, shall be defined in the by-laws of said company, as well as the time of the annual meeting of the stockholders.

SEC. 4. *Be it further enacted*, That no officer of the company, or board of directors, shall contract any liability binding on the individual stockholders of the company further than the amount that each individual stockholder may have subscribed stock to said company.

SEC. 5. *Be it further enacted*, That stock of said company shall be considered personal property, and transferable upon the books of the company, as the by-laws may direct, and that said stock shall not be subjected to assessment for taxes of any kind, until the dividends of said company amount to ten per cent. per annum.

SEC. 6. *Be it further enacted*, That the said company shall have the right of way along the routes designated, and to be designated by the board of directors of the said company, over all the public roads, highways, and public thoroughfares of this state; to erect said telegraph lines, and also, the right of way over the landed property of private individuals and corporations, by paying a reasonable compensation therefor.

SEC. 7. *Be it further enacted*, That if any person shall destroy, injure, molest, or obstruct said line or lines, or any material thereof, shall be subjected to an indictment, and on conviction thereof, shall be fined in any sum not less than fifty dollars, and imprisoned not less than thirty days, and pay said company for all damages sustained thereby.

SEC. 8. *Be it further enacted*, That it shall be lawful for any city or town corporation, by the board of aldermen, or town council, to subscribe for and hold stock in the said telegraph company, and to pay the amount of said subscription out of any corporation funds not specially appropriated to any other purpose, and to levy money by taxation for paying any such subscription.

SEC. 9. *Be it further enacted*, That any county court in any county in this state, through which the telegraph lines of this company may be constructed, are hereby authorized and emp

powered, whenever such court may decide it expedient to subscribe as stock, out of the internal improvement fund of such counties, the sum of fifty dollars for each mile constructed in their respective counties.

SEC. 10. *Be it further enacted*, That this act shall be in force and effect from and after its passage.

APPROVED, January 19th, 1861.

No. 144.

AN ACT to change the line between the counties of Ashley and Chicot.

SECTION

1. New boundary line.
2. The collector of taxes for Chicot to

SECTION

collect all taxes due from residents in the detached portion of Chicot.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the line between the counties of Ashley and Chicot be, and the same is hereby changed so as to be, and run as follows: continuing from the south-east corner of section thirteen, and the north-east corner of section twenty-four, in township seventeen, south of range four west; and running thence south, on the range line, between ranges three and four, to the Louisiana state line; and that all that portion of the county of Chicot, lying west of the above line, be attached to and form and constitute a part and portion of the county of Ashley.

SEC. 2. *Be it further enacted*, That the collector of taxes for the county of Chicot shall have power and authority to levy and collect all taxes of every kind now due said county of Chicot, on property in said territory by this act attached to said county of Ashley, in the manner now prescribed by law.

SEC. 3. *And be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, 19th January, 1861.

No. 145.

AN ACT to amend chapter one hundred and twenty-six of Gould's Digest.

SECTION

1. Restrictions on peddling and hawking.
2. Penalty for violation of restrictions.

SECTION

3. Peddlers required to exhibit license on demand.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That from and after the first day of June, A. D. eighteen hundred and sixty-one, all and every person, or persons, who shall hawk or peddle, either on foot, in wagons, on boats, or in any other way whatever, any goods, wares or merchandize, other than the growth, produce or manufacture of this state, shall pay the sum of five hundred dollars to the collector of the revenue of each county in which he or they may hawk or peddle, and he or they shall therefrom receive a license to hawk or peddle for the term of six months in said county; *Provided*, That no person shall receive a license to peddle or hawk without first making proof before the officer granting the same, by oath or affirmation, that he is a citizen of the United States, and has been a citizen of the State of Arkansas at least two years previous to his application.

SEC. 2. *Be it further enacted*, That every person who shall be found guilty of dealing as a peddler, contrary to the provisions of this act, shall forfeit and pay double the amount of the license he would, by law, have been chargeable with.

SEC. 3. *Be it further enacted*, That any person, or persons, hawking or peddling under the provisions of this act, shall, upon demand being made by any person, exhibit to said person so making the demand, the license, under and by virtue of which he, she, or they, may be hawking and peddling, and that all laws in conflict with this act, be, and the same are hereby repealed.

APPROVED, January 19th, 1861.

No. 146.

AN ACT *amendatory of the attachment laws of this state.*

SECTION

1. In what way property attached and claimed by a person not a party to the writ of attachment may be

SECTION

sworn ~~and~~ and reclaimed by such person. Bond to be given.
2. Action for forfeiture of bond.
3. When to take effect.

Section 1. *Be it enacted by the General Assembly of the State of Arkansas*, That when any sheriff shall levy a writ of attachment upon any property claimed by any person not a party to such writ, such person may make oath to such property, and such property shall be delivered to such claimant, upon him, or his attorney, giving bond in favor of the plaintiff, with good and sufficient security, to be approved by the sheriff, in a sum double the value of the property attached, which value shall be ascertained by the oaths of two citizens of the county where the writ is lexied, to be chosen by the sheriff, conditioned that he will interplead at the term of the court to which said writ shall be returnable; that he will prosecute such interpleader to judgment without delay, and if, on the trial of such interpleader, the said property shall be found to be the property of the defendant in such writ, and the plaintiff shall recover judgment

against said defendant, the property shall be delivered to said sheriff, or his successor in office, whenever demanded by such sheriff, after execution upon such judgment, come to his hand to be levied thereon, which bond shall be returned by the sheriff with the writ; and if any person, to whom such property is so returned, shall neglect or refuse to deliver the said property to the sheriff in office, in accordance with the condition of the bond, it shall be the duty of such sheriff, forthwith, to return the writ of fieri facias, issued upon the judgment rendered in said cause, setting forth the fact that the condition of the bond has been broken; said bond shall, in addition to the above contain a condition, that in case the property so levied upon shall not be delivered as aforesaid, said bond shall have the force and effect of a judgment for the amount of the appraised value of said property and the costs of interpleading; if such appraised value be less than the amount of the judgment rendered in favor of the plaintiff against the defendant, and if such appraised value shall exceed the amount of such judgment, then for the amount of such judgment, and all the costs, on which judgment execution may be issued against all the obligors thereof.

SEC. 2. *Be it further enacted*, That on the return of such writ of fieri facias, showing the forfeiture of said bond, it shall be the duty of the clerk of the court, to which said writ is returned, to issue an execution in favor of said plaintiff against all obligors, for the amount which may be due when such forfeited bond, in accordance with the provisions of the first section of this act.

SEC. 3. *Be it further enacted*, That this act be in force from and after its passage.

APPROVED, January 19, 1861.

No. 147.

AN ACT *supplementary to an act passed at the present session, entitled "An act to provide more fully for the incorporation of the town of Paraclista."*

Be it enacted by the General Assembly of the State of Arkansas, That section thirty-three of said act be so amended as to require all writs and process to run in the name of the State of Arkansas.

APPROVED, January 19th, 1861.

No. 148.

AN ACT *for the relief of the heirs and legal representatives of Richard Y. Merchant, deceased, late of Lafayette county, State of Arkansas, and for other purposes.*

SECTION

1. Sum appropriated.
2. The appropriation to be paid to the

SECTION

guardian of Richard Y. Merchant's children.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the sum of two hundred and seventy-six dollars and seventy-five cents, be, and the same is hereby appropriated out of any money in the treasury, arising from the sale of swamp and overflowed lands in the Washington district, to the heirs and legal representatives of Richard Y. Merchant, deceased, late of Lafayette county, as a full compensation to the said Merchant, for having selected, in his lifetime, three hundred and sixty-nine acre tracts of swamp and overflowed lands in

Lafayette county, under an appointment from the governor of this state, as selecting and locating agent thereof.

SEC. 2. *Be it further enacted*, That the amount appropriated by the first section of this act, shall be paid to the guardian of the children of said Richard Y. Merchant, deceased, and that the auditor of public accounts of the State of Arkansas, shall draw a warrant on the treasury for said sum of two hundred and seventy-six dollars and seventy-five cents, payable out of any money in the treasury belonging to the Washington district, for the use and benefit of the heirs and legal representatives of said Richard Y. Merchant, deceased.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its passage:

APPROVED, January 19th, 1861.

No. 149.

AN ACT to define the line between Hot Spring and Saline counties.

SECTION

1. Situation of the new line.

SECTION

2. When to take effect. Conflicting laws repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the county line between the counties of Hot Spring and Saline, shall be so defined as to place section eighteen, in township two south, of range sixteen west, in Hot Spring county; then the line to commence at the south-east corner of section eighteen; thence running due east to the south-east corner of section sixteen; thence, due south-east, in a

diagonal line, to the north-west corner of township three, south of range fifteen west; thence south, two miles; thence, east, to the Saline river; thence along said river as before.

SEC. 2. That this act take effect from and after its passage, and all conflicting laws are hereby repealed.

APPROVED, January 19th, 1861.

50.

AN ACT *to provide for the payment of expenses accruing for the inauguration of the present Governor of the State of Arkansas.*

SECTION 1. Eighty dollars and twenty cents appropriated.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That the sum of eighty dollars and twenty cents, be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay T. D. Merrick, of Pulaski county, and that the auditor is hereby required to issue his warrant on the treasury therefor.*

SEC. 2. *Be it further enacted, That this act take effect from its passage.*

APPROVED, January 19th, 1861.

No. 151.

AN ACT to provide for refunding on swamp land entries erroneously made.

Refunding certificates restricted to the kind of funds paid in.

Be it enacted by the General Assembly of the State of Arkansas, That, in refunding on lands erroneously entered, the person entitled to a refunding certificate shall be entitled and restricted to the kind of funds paid in, whether the same be specie, scrip, or warrants; and in the latter case, the refunding warrant shall be subject to location on lands at the same rate per acre that the warrant originally paid in specified, and in the same swamp land district.

APPROVED, January 19th, 1861.

No. 152.

AN ACT to aid the Arkansas Institute for the blind, which was incorporated on the fourth day of February, A. D. 1859.

SECTION

1. Trustees required to report cost of maintaining institute.
2. Indigent blind shall be admitted on the certificate of the governor. Other conditions.

SECTION

3. Two hundred dollars per annum appropriated to pay expenses of each indigent person.
4. How vacancy in trustees to be filled.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the trustees of said institute shall, in their report to the governor, state the cost of maintaining the insti-

tute at Arkadelphia, and at other points, and the relative advantages of each, with a view to the permanent location of the same hereafter.

SEC. 2. *Be it further enacted*, That indigent blind persons, in this state, between six and twenty-six years of age, may be admitted as pupils in said institute, upon the terms and conditions hereafter stated. The indigency of said proposed pupil shall be ascertained, as follows: The county court of the county wherein said pupil resides, upon the case being presented, shall ascertain whether the blind person has any estate, or if the parent or parents are able to pay for the board and tuition thereof, and if said court shall find that said pupil is destitute of estate or means, and that his parents or parent, are incapable, by reason of poverty, of supporting the blind person at the institute, the said court shall make an order stating the fact of such finding, and such order shall be certified to the governor, who shall issue an order for the admission of such indigent blind person into the said institute. The scholars composing said school shall be selected from the several senatorial districts of this state, and each district shall be entitled to one pupil, if they choose to send him or her, as the case may be.

SEC. 3. *Be it further enacted*, That the sum of two hundred dollars per annum, is hereby appropriated, to be paid out of the Seminary and Saline funds, to pay for the board, tuition, and other expenses at the institute, of each indigent pupil so admitted, and of such pupils now at the institute, whom the trustees shall certify are indigent, and whose parents or estate are unable to pay for their board and tuition; *Provided*, That during the present and succeeding year the number of state pupils in said institution shall not exceed twenty, and in case the number of pupils so supported by the state shall not exceed twenty, the principal of the institution shall receive a salary of nine hundred dollars a year, to be paid out of the respective funds above named, and the facts of the number of pupils, with their names and ages, shall be certified to the auditor by the president of the board of trustees, and attested by the secretary.

SEC. 4. *Be it further enacted*, That in case of a vacancy in the board of trustees of said institution, they shall suggest the name of some suitable person to the governor, who, if he approve thereof, shall appoint said person.

APPROVED, January 19th, 1861.

No. 153.

AN ACT to revive an act passed by the General Assembly of this state, 1850-51:

The act making payable all moneys arising from and accruing to the county of Perry, by estrays of said county, is revived.

Be it enacted by the General Assembly of the State of Arkansas, That the act making payable all sums of money arising from and accruing to the county of Perry, under and by virtue of the estrays of said county, be, and the same is hereby revived and continued, and extended to the 31st of December, 1864, and that this act take effect and be in force from and after its passage.

APPROVED, January 19th, 1861.

No. 154.

AN ACT to legalize the sale of a portion of the sixteenth section in township nine, north of range six west, in White county.

Land purchased by Elijah Little, confirmed.

Be it enacted by the General Assembly of the State of Arkansas, That the sale of the south half of the south-west quarter, and north half of the north-east quarter, and the north half of the north-west quarter of section sixteen, in township nine north, range six west, made by Elijah Little, as school commissioner in said township, be, and the same is, hereby legalized and confirmed, as amply and fully as if said sale had been made in strict conformity to the provisions of the statute, in such case made and provided.

APPROVED, January 19th, 1861.

No. 155.

AN ACT to defend and protect the interests of the State of Arkansas in the swamp and overflowed land grant.

SECTION

1. Suit to be brought for lands wrongly selected and sold as swamp lands by railroads.
2. Secretary of swamp lands to make out a list of lands reported and confirmed.
3. Clerks to give notice by publication

SECTION

- of the filing of the lists, and the intention of the state to enter suit.
4. Governor to appoint commissioner for each county along the line of railroads.
5. Commissioner's oath. Pay.
6. When to take effect.

WHEREAS, Congress, in the year 1850, granted to the State of Arkansas all the swamp and overflowed lands within said

state for the specific purpose of reclaiming the same; *And whereas*, The state proceeded, under said grant, to select said lands, and some of said selections have been confirmed, and some remain yet to be confirmed; *And whereas*, By a decision of the attorney general of the United States, made some time ago, it was declared that said lands could not be diverted from the specific object for which they were granted to the state, but were absolutely the property of the state for said purpose; *And whereas*, Many tracts of said lands have been certified to the several railroad companies in this state, under an act of Congress, 1853; *And whereas*, The secretary of the interior, in February last, decided that such swamp lands, so certified to said railroad companies, (although in contradiction to the express terms of the act of 1850, making the grant, as well as in contradiction to the decision of the attorney general of the United States, above alluded to,) cannot be again certified to the same grantee for another purpose; *And whereas*, Many citizens of the state will be materially damaged by having said lands given to the said railroad companies, and the state entirely deprived of their use and benefit, and thereby, to some extent, debarred the opportunity of carrying into effect the original intention of Congress in granting to the state all the swamp and overflowed lands in the state for the purpose of reclaiming the same; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the governor be, and he is, hereby authorized and required to cause suit to be brought in the name of the State of Arkansas, against the several railroad companies in this state, for the recovery to the state of all swamp lands, selected as such by the swamp land agents of the various counties along the line of said road, and which are yet unconfirmed by the proper authorities at the City of Washington, or which may have been so confirmed, and certified to said railroad company, by order of the commissioner of the general land office, or by the secretary of the interior; said suit or suits to be brought in the circuit court of the proper county along the line of said road, on the chancery side thereof, and the

state to be represented by the prosecuting attorneys in the several judicial circuits.

SEC. 2. *Be it further enacted*, That to enable the governor to carry into effect the provisions of this act, he shall cause the secretary of swamp lands to make out a complete list of all swamp lands reported and confirmed, or selected and yet unconfirmed, that have been so certified to said railroad company in each county along the line of said railroad, and file the same in the office of the clerk of the circuit court of the proper county, on or before the first day of May, 1861.

SEC. 3. *Be it further enacted*, That upon the filing of said lists in the office of said circuit court clerk, as provided for in the preceding section, the said clerk shall, within twenty days thereafter, give notice of the filing of such list in his office by three successive weekly publications, in some newspaper printed in his swamp land district, stating, in such notice, the section, half section, quarter section, or quarter quarter section, township and range, and that the state will proceed to recover the same to its own use and benefit, and said notice shall be deemed a sufficient and legal notice to said railroad companies of the intention and purpose of the state to proceed, by suit in chancery in the several circuit courts of the various counties along said railroad line, to recover said lands to its own use and benefit.

SEC. 4. *Be it further enacted*, That the governor shall appoint one commissioner in each of the counties along the line of said railroad, whose duty it shall be, upon being furnished with a certified copy of the lands named in the list, by the clerk of the circuit court of the proper county, by sections, numbers, townships and range, (and said clerk is hereby required to furnish said commissioners with said certified list immediately upon the publication of the notice above required), to proceed immediately to examine said lands, and to this end may call to his assistance two freeholders of the township in which such lands may lie; and, upon such examination being made, if the said commissioner shall be satisfied that said lands are absolutely swamp or overflowed, coming within the meaning of the act

of Congress of 1850, making said grant of swamp and overflowed lands to the state, he shall, together with the two freeholders, make out and subscribe an affidavit, before some one authorized to administer oaths in his county, to that effect, stating, in said affidavit, the section, half section, quarter section, or quarter quarter section of said lands, and immediately file the same in the office of the clerk of the circuit court of the proper county, and such affidavits, so filed, shall be deemed and taken as sufficient evidence in any suit that may be commenced for the recovery of said lands, and the said clerk shall thereupon notify said railroad company, through its proper officer, or through an agent, if it have one in the county, of the filing of such affidavits in his office, and that, unless said company shall voluntarily surrender to the state said lands, suit will be commenced at the next term thereafter of the circuit court, on the chancery side thereof, for the recovery, to the state, of said lands; *Provided*, That said railroad companies may introduce rebutting testimony as to the character of said lands, in manner and form as to said company may seem right and proper.

SEC. 5. *Be it further enacted*, That said commissioner, appointed by the governor to examine such lands, shall, before entering upon his duties, take and subscribe an oath, before some person authorized to administer oaths, that he will faithfully, impartially, and to the best of his ability, perform the duties of his office; and shall receive for his services the sum of three dollars per day while actually engaged in the performance of his said duties, to be paid out of the swamp land fund, upon the certificate of the governor to the auditor of public accounts, who shall issue his warrant upon the treasurer of the state therefor; and the fees of the two freeholders shall be one dollar per day, to be certified to the governor by said commissioner, and paid out of said fund in like manner; and the printing fee shall be paid in like manner upon the certificate of the clerk of the circuit court, of the proper county, to the governor, accompanied by at least one copy of the newspaper containing said notice; and the said clerk, and other officers administering the oaths provided for in this act shall receive the same fees

as is now allowed them by law in other and similar cases, to be certified to the governor by the said clerk under the seal of the circuit court, and to be paid out of the swamp land fund for the proper district, upon the certificate of the governor to the auditor of public accounts.

SEC. 6. *Be it further enacted*, That this act be in force from and after its passage.

APPROVED, January 19th, 1861.

No. 156.

AN ACT to incorporate the *Huntsville and Ozark Turnpike Road Company*.

SECTION

1. Corporators, and style of corporation; powers of corporation.
2. Capital stock fifty thousand dollars.
3. Capital stock personal property.
4. Corporators commissioned to open books for subscription.
5. A meeting of stockholders to be called as soon as ten thousand dol-

SECTION

- lars are subscribed. Directors to be elected.
6. Directors, their powers and duties.
7. Board of directors to elect a president.
8. A toll gate; prices, etc.
9. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That J. P. Humphry, G. W. Forrester, Frederick Quaile, Alison Hill, of Franklin county, and St. Paul J. C. Sumner, D. C. Williams, Dr. H. H. Bolinger, David Ogden, J. G. McConnell, H. C. Berry, Samuel E. Kenner, and John Vaughan, of Madison county, and their associates, be, and are, hereby constituted a body politic and corporate, by the name and style of "The Huntsville and Ozark Turnpike Road Company," with succession for ninety-nine years, and by such

name and style shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, either in law or equity; and to purchase and hold lands, slaves and chattels; to make, have and use a common seal, and the same to alter and renew at pleasure; and to have the power of appointment and removal of officers and servants; to make contracts and enforce the same; and to establish and put in force by-laws, rules and regulations for the government of the corporation, its officers and servants, and necessary and proper to carry into effect the powers and privileges hereby granted; and said corporation shall have all the powers incident to corporations at common law.

SEC. 2. The capital stock of said company shall be fifty thousand dollars, to be divided into two thousand shares, of twenty-five dollars each; and said company may survey, locate, complete, construct, alter, maintain and repair a turnpike road from Huntsville, in Madison county, to Ozark, in Franklin county; and for the purpose of constructing said road, the company may lay out the same, not exceeding sixty feet in width, the whole length of the line thereof, upon or through any land belonging to the State of Arkansas, and have the right of way of the width aforesaid, with right of taking from such lands contiguous thereto, stone, timber and materials necessary for its construction; and the said company shall also be entitled to take and appropriate to the use of said road, such lands of individuals as may be necessary for a road bed of the same width; and, also to take stone and timber from adjacent lands for the construction of said road, by donation or private contract, or by having the lands and other privileges valued, condemned, and damages assessed, and by paying for the same in accordance with the act of the General Assembly, entitled an act, providing the mode of procedure for obtaining right of way for railroads in this State; to contract specially for work, labor and materials, and to agree whether the whole or any part thereof shall be payable in the stock of said company; to hire, or to purchase hands or laborers; to appoint a secretary, treasurer, superintendent, engineer, solicitors and all other officers

or servants, necessary or proper for the faithful performance of any duty necessary to the construction of said road; and when said road, or ten miles thereof is finished, to charge and receive the rates of toll for passengers, wagons, teams and carriages of all descriptions, stock, etc., as hereinafter provided.

SEC. 3. The capital stock of said company shall be deemed personal property, and may be transferred in such manner as said company may direct, and may be forfeited to the use of the company for such defaults as may be directed in the by-laws of said company.

SEC. 4. The persons named in the first section of this act shall be commissioners to open books to receive subscriptions to the capital stock of said company, and shall give such notice of the time and place of opening such books as they may deem reasonable, and shall receive such subscriptions under such regulations as they shall adopt, and may appoint deputies or agents for receiving subscriptions; and said commissioners shall be styled the board of commissioners of said road, and they, or a majority of them, shall have power to supply, by appointment, any vacancy therein that may happen by death, resignation, neglect, or refusal to attend or accept.

SEC. 5. The said board of commissioners are hereby required and authorized, as soon as the sum of ten thousand dollars shall have been subscribed, to call a meeting of the stockholders of said company in such a way, and at such time and place as they may appoint, when and where the said stockholders shall hold an election for a board of directors of said company, in such form and manner as they shall direct; and grant certificates to those elected; in all elections, each share of stock shall entitle the holder thereof to one vote, which shall be given either in person or by proxy; and when the said directors shall have been elected, and before they enter on their duties as such, they shall take an oath to faithfully discharge the duties imposed on them by the charter and by-laws of the company, and shall hold the office of directors for one year, and until their successors are elected and qualified.

SEC. 6. The said directors shall have full power to make and prescribe, and put in force, such by-laws, rules and regulations,

and the same to alter and amend, as they shall deem necessary and proper, touching the disposition and management of the stock, property, estate and effects of said company, and for the government of officers, agents, servants and laborets of said company, not contrary to the laws of the state; also, in the election of officers, transfers of stock, election and meeting of directors, forfeitures of stock, penalties, and all matters whatsoever, which may appertain to the concerns of said company.

SEC. 7. Said board of directors shall meet at such times and places as they may appoint, and at the first meeting, shall elect a president of the board, a secretary and treasurer, whose duties shall be assigned them by the by-laws of the company, acting through their board of directors.

SEC. 8. As soon as ten miles of said road are completed so as to compare favorably with other roads of like character, and which shall be kept in good repair, a toll gate may be erected on said road, and it shall be lawful for the president and board of directors to appoint such, and as many toll gatherers as they may think proper, to collect and receive of, and from each and every person using said road, the tolls hereinafter mentioned, except from those living in the county in which the toll-gate shall be erected, for every eight miles travel and in proportion for a greater or less distance; and to stop and prevent any person from riding, leading or driving any horses, stock or mules, sheep, hogs, cattle, cart, wagon or carriage of burthen or pleasure, from passing such gate until they have paid toll agreeably to the following rates, to-wit: For every score of hogs or sheep, five cents; for every score of cattle, ten cents; for every horse, jack or mule, whether laden or unladen, with his rider, five cents; for every pleasure carriage of any description whatever, twenty-five cents; for every cart, wagon or carriage of burthen, three cents; for each horse, mule or ox, drawing the same, for every eight miles as aforesaid.

SEC. 9. This act shall take effect from its passage.

APPROVED, January 19th, 1861.

No. 157.

AN ACT to aid the cause of education in Bradley, Prairie and Fulton counties.

SECTION

1. Interest of school fund to be divided among townships in said counties.
2. A commissioner and the trustees for each township to be elected.
3. Duty of justices holding election to give public notice thereof.
4. Duty of justices to make out certificates of election.
5. Commissioners' oath.
6. Trustees' oath.
7. Election of commissioner.
8. Commissioner to hold election for trustees.
9. Commissioners and trustees authorized to receive donations.
10. Trustees authorized to build school houses.
11. Duties of trustees and commissioners.
12. County judge to appoint persons to examine applicants to teach school.
13. Tuition of children to be paid out of the fund of township in which they reside.
14. Trustees empowered to purchase land for school houses.
15. Vacancies to be filled; how.
16. Lands transferred by commissioners on demand of trustees.

SECTION

17. Commissioners to keep record of their acts.
18. On death of commissioner, his administrator to deliver to his successor, his books, papers, etc., pertaining to his office as commissioner.
19. Moneys not needed to be loaned out.
20. Commissioner's duty to receive purchase money, and make deed to school land.
21. Township teacher to keep day-book.
22. Duty of trustees and commissioner to visit public schools every two months.
23. Trustees and commissioners; how and when removed.
24. Trustees liable on official bond for moneys in possession.
25. Duty of county court to order the treasurer to deliver to commissioner moneys, books, etc., in his possession.
26. Duty of purchaser of school lands to pay commissioner for the same.
27. Commissioners liable on official bonds.
28. Conflicting laws repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That hereafter the interest accruing from all the common school fund, except that arising from the sale of the sixteenth section, in Bradley, Prairie and Fulton counties, shall be equally divided among, and distributed to the several townships in said counties, in the manner and upon the terms hereinafter provided for.

SEC. 2. *Be it further enacted*, That it shall be the duty of the county court of said counties, to order an election in each town-

ship in said counties on the third Monday in April, 1861, and appoint two justices of the peace of said counties in each township, either of whom may act to hold said election in their respective townships, for the purpose of electing one commissioner and two trustees for each township, which commissioner and trustees when elected and qualified, as hereinafter provided, shall be the managers of public schools in their respective townships, and shall continue in office for the term of two years, and until their successors are elected and qualified.

SEC. 3. *Be it further enacted*, That it shall be the duty of said justice or justices holding said election, to give public notice by advertisements put up at five or more of the most public places in said township, at least ten days before the day of said election.

SEC. 4. *Be it further enacted*, That it shall be the duty of said justice or justices after said election, to make out and furnish to each person elected, a certificate of his election; and also to make returns within ten days to the clerk of the county court of the names of the persons so elected, duly certified.

SEC. 5. *Be it further enacted*, That the said commissioner elected under the provisions of this act, shall, before entering on his duties, take an oath before some judge or justice of the peace, faithfully to discharge the duties of his office as required of him by this act, and truly account for and pay over all moneys which may come to his hands as such commissioner, agreeable to the provisions of this act, and shall continue in office for the term of two years, and until his successor shall be elected and qualified, and shall enter into bond to the State of Arkansas for the use of schools in said township, with two or more securities, to be approved of by the trustees of said township, in a sum not less than one nor more than ten thousand dollars, conditioned that he will faithfully discharge the duties required of him by the provisions of this act, which bond shall be filed and recorded in the clerk's office of Bradley, Fulton and Prairie counties.

SEC. 6. *Be it further enacted*, That the said trustees herein provided to be elected, shall take an oath before some judge or

justice of the peace, faithfully to discharge their duties as such trustees, according to the provisions of this act, and shall enter into bond with good security, to the State of Arkansas, for the use of said township, in any sum not less than five hundred dollars, conditional, that they will faithfully account for and pay over to their successors in office, all moneys which may remain in their hands unexpended, for the purposes hereinafter mentioned, which bond shall be approved by the county court of Bradley, Fulton and Prairie counties, and filed and recorded in the recorder's office of said counties.

SEC. 7. *Be it further enacted*, That on the third Monday of April, after the expiring of two years from the date of the election of said commissioners, it shall be the duty of the trustees to hold an election in their respective townships, for the election of a township commissioner, who, when elected and qualified, as heretofore provided, shall succeed to all the powers and duties of commissioner, as provided for in this act.

SEC. 8. *Be it further enacted*, That it shall be the duty of said commissioner, on the first Monday of September, after the expiration of two years from the election of the trustees heretofore provided to be elected, to hold an election in their respective townships, for the election of two trustees of the school or schools, in said township, who, when elected and qualified, as hereinbefore provided, shall succeed to all the powers and duties of the trustees first elected, and the trustees under this act, and their successors in office, shall be a body politic and corporate, with a succession of ninety-nine years, with power to sue and be sued, to plead and be impleaded, by the name and style of the trustees of ——— township, in the counties of Bradley, Fulton and Prairie, in any court having competent jurisdiction.

SEC. 9. *Be it further enacted*, That the trustees or commissioners, in their respective townships, are authorized and empowered to receive all donations and subscriptions which may be made, for the purpose of building a school house, or houses, or for the support of a school or schools, in their respective townships.

SEC. 10. *Be it further enacted*, That the trustees shall have

power, whenever there shall be a sum sufficient of the interest in the hands, or due the commissioners, accruing from the bonds executed to the commissioners, at the time or since the sale of the sixteenth section, and the interest of the common school fund, to erect a school house, or houses, thereon, provide a teacher, or teachers, to do all things necessary and proper for putting a school or schools into operation, and to continue the same from time to time, and for such portion of each year as may best suit the inhabitants of said township.

SEC. 11. *Be it further enacted*, That it shall be the duties of the trustees, in their respective townships, to take the number of children, from five to eighteen years of age, and deliver the same to the township commissioner; whose duty it shall be to deposit the same with the county treasurer, on the first Monday in December, in each year, and the county court, together with the county treasurer, shall, on the first Monday in January, in each year divide among and pay over to the several township commissioners the interest on all moneys in their hands belonging to said fund, except the interest on the fund arising from the sale of the sixteenth section, which shall be paid as hereinafter provided, in proportion to the number of children in each township of the aducational age, and for so paying over the same to the county treasurer, shall receive one per centum on the amount thereof.

SEC. 12. *Be it further enacted*, That it shall be the dpty of the county judge to appoint two suitable persons to examine all persons proposing to teach school in said counties, and if the applicant is of good moral character, and shall be found qualified to teach orthograpy, reading, writing and arithmetic, grammar and geography, they shall grant him or her a certificate of qualification in those branches which shall be good and valid in said counties for one year, and said person shall receive two dollars for each certificate, to be paid by the person to whom the certificate is granted.

SEC. 13. *Be it further enacted*, That thereafter the tuition of all children who may attend a common school, taught by a teacher already authorized, or who may be so examined and

authorized, as above provided, shall be paid out of the fund of the township in which they shall reside, whether they attend school in said township or an adjoining township, and should the fund not be sufficient to pay the tuition of all the children attending school, an equal amount shall be paid for each scholar, so far as said fund will extend.

SEC. 14. *Be it further enacted*, That the said trustees shall have power to purchase a quantity of land in any township where the sixteenth section has been sold, and where no appropriation has been made for that purpose, not to exceed two acres in one place, nor more than eight in the township aforesaid, for the purpose of building a school house or houses, thereon; *Provided*, There is no donation made in some convenient and suitable place in the township, for that purpose, and in townships where the sixteenth section is not sold, the trustees and commissioners, on a petition of a majority of the householders of said township, may reserve from sale not more than twenty acres, for the purpose of building a school house or houses, in the most convenient part of said section.

SEC. 15. *Be it further enacted*, That in case the office of commissioner authorized to be elected under this act, shall at any time become vacated, by death, resignation, or otherwise, the trustees elected under the provisions of this act shall immediately proceed to hold an election, as provided for by this act, to fill the said vacancy for the unexpired term, and in case the office of said trustees, or any one of them, become vacated, the said commissioner shall immediately proceed to hold an election as provided in this act, to fill said vacancy, for the unexpired term; the commissioners and trustees shall take the same oath and give the same bond as heretofore provided for by this act.

SEC. 16. *Be it further enacted*, That the same commissioners shall be transferred to their respective townships, and pay over all moneys which may come to their hands, liable to be expended for the support of schools in their respective townships, to the order of the trustees of their respective townships.

SEC. 17. *Be it further enacted*, That it shall be the duty of said commissioners to procure a suitable book in which they

shall keep an account of all their acts and doings as such commissioners, and shall make out and file with the clerk of the county court of Bradley, Fulton and Prairie counties, on or before the first day of January in each year, an abstract of their proceedings, which shall be examined by the trustees of their townships, and if found correct, approved by them and recorded in said office.

SEC. 18. *Be it further enacted*, That in case of the death of any one of said commissioners, it shall be the duty of his executor or administrator, immediately to deliver to the successor of said deceased commissioner, all the books, papers, moneys, or property, pertaining to the office of such commissioner, and in case they resign or be removed from office, they shall immediately deliver the same to their successor in office, and in case of refusal of either, after proper demand made, it shall be the duty of the judge, having chancery jurisdiction in the counties of Bradley, Fulton and Prairie, to enforce such delivery by attachment or other appropriate process.

SEC. 19. *Be it further enacted*; That all moneys which may come to the hands of the commissioners aforesaid, from any and all sources, when not needed for school purposes, shall be loaned out at ten per cent. interest, by said commissioner, he taking bond with good security, to be approved by the trustees of his township, but not loaned for a longer period than twelve months.

SEC. 20. *Be it further enacted*, That whenever the purchase money for any part or portion of said sixteenth section shall be tendered the commissioner of any township in said counties, it shall be his duty to receive the same and make a deed to the land so paid for, and said money shall be loaned out under the foregoing provisions.

SEC. 21. *Be it further enacted*, That it shall be the duty of said township teacher to keep a suitable book, in which he shall enter the name of each scholar, the time when he or she commenced, and each day they attended school, and the age of such scholar; which book shall be open for the inspection of said trustees at all times.

SEC. 22. *Be it further enacted*, That it shall be the duty of said trustees, or a majority of them, with the township commissioner, to visit the public schools in their townships, at least every two months, examine the scholars, see that the school or scholars, are properly kept, and do all things necessary to promote the interest of said school.

SEC. 23. *Be it further enacted*, That the trustees and commissioners elected under this act shall be liable to be removed from office for any neglect of duty or misdemeanor in office, by any court having competent jurisdiction; the trustees, commissioners, clerk and sheriff, may receive a reasonable compensation for any service required of them by the provisions of this act, to be adjusted and allowed by the county courts of Bradley, Fulton and Prairie counties, to be paid out of any money belonging to said township, liable to be expended for the support of schools.

SEC. 24. *Be it further enacted*, That the trustees of each township, and their successors in office shall be liable on their official bond, for all moneys or property which come to their hands, by virtue of their office, and the commissioners aforesaid, shall be authorized to commence and prosecute to final judgment any and all suits necessary to be brought against said trustees, in any court having competent jurisdiction.

SEC. 25. *Be it further enacted*, That it shall be the duty of the county court, whenever a majority of the citizens of a township shall petition for that purpose, to make an order directing the county treasurer of Bradley, Fulton and Prairie counties, to deliver to the commissioner of said township, all the moneys, books, or evidence of debt in his hands, belonging to said township, on the sixteenth section, who shall give duplicate receipts for the same, one of which shall be by the treasurer filed in the clerk's office of Bradley, Fulton and Prairie counties, within ten days thereafter.

SEC. 26. *Be it further enacted*, That it shall be the duty of the purchaser of any part of the sixteenth section, his heirs, or assigns, to pay to the township commissioner where said section lies, the interest on the purchase money thereof, from time

to time as the same may fall due, according to the bond of such purchaser, deposited in the clerk's office of the county court of said counties, as aforesaid, and to obtain duplicate receipts therefor, from the commissioner of said township, one of which shall be filed in the office of the county court of said counties.

SEC. 27. *Be it further enacted*, That the aforesaid commissioners and his successor in office, shall be liable on their official bond for all moneys or property which may come to his or their hands, by virtue of their office, and the trustees aforesaid are authorized by this act, to commence and prosecute to final judgment, any and all suits necessary to be brought against such commissioner, in any court having competent jurisdiction.

SEC. 28. *Be it further enacted*, That all laws or parts of laws now in conflict with this act, be, and the same are hereby repealed, so far as the same relates to Bradley, Fulton, and Prairie counties, and this act take effect and be in force from and after its passage.

APPROVED, January 19th, 1861.

No. 158.

AN ACT to incorporate the White River Valley Railroad Company.

SECTION

1. Names of corporators and style of corporation.
2. Capital stock five hundred thousand dollars—shares hundred dollars.
3. Officers to hold their offices one year.
4. Powers of president and directors.
5. Stockholders liable, how far.

SECTION

6. No officers shall become a contractor.
7. How stock may be forfeited.
8. Books, when and where to be opened.
9. It shall be lawful for superintendents, engineers, etc., to enter upon lands through which road is to pass.

SECTION 1. *Be it enacted by the General Assembly of the State*

of Arkansas, That William Stone, James Paine, Thomas Tuns-
tle, Col. Watson, Marge Magness, of Jackson county; D. S.
Frailey, G. W. Dougherty, J. S. Trimble, Richard Williamson,
of Independence county; T. W. Edmondson, Thomas Black,
William Lane, Alexander Adams, and Thomas Riggs, of Izard
county; James H. Berry, B. Mylem, John W. Messick, Thomas
G. McClure, L. Hansford, John Estes, William Coker, W. B.
Flippin, and John Hurst, of Marion county; W. W. Watkins,
James A. Wilson, William P. Stroud, John Smith, Beal Gaither,
Albert Stiffler, William B. Wright, B. W. Ayers, James Faucher,
Charles Sneed, B. H. Hobbs, James M. Berry, James Myers, S.
W. Peel, and N. A. Evans, of Carroll county; W. C. Mitchell,
Eli Dodson, J. C. Wilson, and Thomas F. Austin, of Marion
county; John Marshall, John Hensley, Samuel Leslie, and
— Richardson, of Searcy county; Samuel Hudson, Nathan
Clements, Fountain King, Josiah Dodson, of Newton county;
Vardemine Ivy, S. P. Vaughan, W. M. Berry, Jacob Owens,
and J. D. McReynolds, of Madison county; J. M. Tuttle, David
Walker, J. M. Tebbetts, and L. Gregg, of Washington county,
Arkansas, and such other persons as shall associate with them,
are hereby constituted a body politic and corporate, by the
name and style of the White River Valley Railroad Company,
for the purpose of making and constructing a railroad from
Jacksonport, in Jackson county, *via* Carrollton, in Carroll
county, to Fayetteville, in Washington county, and shall have
continous succession for ninety-nine years, and by said corpo-
rate name shall sue and be sued, contract and be contracted
with, and lease, acquire, and purchase and grant, and sell real
and personal property: have a common seal, and change or
renew the same at pleasure; elect such directors, officers, engi-
neers and agents, from time to time, as may be necessary; make
by-laws and regulations for the government of the corporation,
or the transaction of its affairs and business, as may be neces-
sary, from time to time, not contrary to the constitution of the
United States, or of this state, or this charter, and subject to
this restriction; the said corporation shall possess, and may exe-
cute all the powers and privileges incidental to a corporation

aggregate, as the common law, for the purpose of making and constructing the said railroad.

SEC. 2. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares of one hundred dollars each; and to obtain the same, books for subscription shall be opened in Jackson county by William Stone, James Paine, Thomas Tunstel, Col. Watson, Marge Magness; in Independence county, by D. S. Frailey, G. W. Daugherty, J. S. Trimble, Richard Williamson; in Izard county, by T. W. Edmondson, Thomas Black, William Lane, Alexander Adams, and Thomas Riggs; in Marion county, by James H. Berry, B. Malone, John W. Messick, Thomas G. McClure, S. Hansford, John Estes, William Coker, W. B. Flippin, and John Hurst; in Carroll county, W. W. Watkins, James A. Wilson, William P. Stroud, John Smith, Beal Gaither, Albert Stiffler, William B. Wright, B. W. Ayres, James Fancher, Charles Sneed, B. H. Hobbs, James M. Berry, James Myers, S. W. Reed, and N. A. Evans; in Searcy county, John Marshall, John Hensley, Samuel Leslie, and Thomas Richardson; in Newton county, Samuel Hudson, Nathan Clements, Fountain [King], and Isaiah Dodson; in Madison county, Vardemine Ivy, S. P. Vaughan, William M. Berry, Jacob Owens, and J. D. McReynolds; in Washington county, J. M. Tuttle, David Walker, J. M. Tibbetts, and L. Gregg; in Marion county, W. C. Mitchell, Eli Dodson, J. C. Wilson, and Thomas F. Austin, and who are hereby appointed commissioners for that purpose, and also by such other persons in said counties, or in other counties and places as they, or either of them may select, and when the sum of fifty thousand dollars shall have been subscribed, there shall be an election held for seven directors, and they may elect or appoint a president, and secretary, and treasurer, of the said company at Carrollton, in Carroll county, which is hereby declared the domicil of said company, for the transaction of its business; twenty days' previous notice shall be given in some newspaper, of said election for directors by any three of said commissioners, and the stockholders may vote in that, and all subsequent elections by person or by proxy, and each share

shall be entitled to one vote, and a majority of the stock taken shall be necessary to a choice.

SEC. 3. The directors and other officers elected, or appointed, shall hold their offices one year, and until their successors are elected and qualified, and the board of directors shall have power to fill vacancies by election or appointment, whenever they occur, and from any cause.

SEC. 4. The president and directors of said corporation shall have power to do everything necessary for the construction, working and maintainance of the said railroad, with as many tracks as they may deem necessary; and to cause such bridges to be erected, or ferries established on said road as may be necessary for the successful operation thereof, and to supply the same with all necessary rolling stock, materials, buildings and depots; to fix the rate of tolls for passengers, merchandize or chattels, and to declare dividends.

SEC. 5. Every stockholder in said company shall be liable for the debts of the same, incurred within the scope of this charter, to the extent of the stock taken or held by him, but not to a greater extent.

SEC. 6. No director, treasurer, engineer, clerk, or other officer of the said company shall become a contractor, or be interested in any contract for constructing or doing work on said road, or for keeping up, or supplying, or maintaining the same.

SEC. 7. If any subscriber for stock shall fail to pay up the same, or any installment, or call thereon, the same may be declared forfeited by the board of directors, and may be sold or transferred by them, and all payments made by defaulting subscribers shall be forfeited in such manner and form as may be provided for by the by-laws of said company.

SEC. 8. *Be it further enacted*, That the books for subscriptions shall, and may be opened in the aforesaid counties, or in either of them, on the first Monday in June, eighteen hundred and sixty-one, or on any subsequent day thereafter; and that any three of said commissioners shall constitute a quorum to make any arrangement for the subscription of stock in said road, in either of said counties herein named.

SEC. 9. *Be it further enacted*, That it shall be lawful for said company, their superintendents, engineers, contractors, and all other persons in their employment, to enter into, and upon all lands, enclosures, road and public highways, in, through and over which the said intended White River Valley railroad may pass, be thought proper to pass, and to examine the ground most proper for that purpose; and the quarries and beds of stone, gravel, clay, and other materials in the vicinity, that will be necessary in making said road, and to enter into, or upon any lands over which said road may pass, or contiguous thereto, or within the vicinity thereof, with their superintendents, engineers, artists, workmen, and laborers, and all other persons in their employ, with their tools and implements, carts, wagons, sleds and carriages, and beasts of draught and burthen, for the purpose of making and constructing said road, and procuring materials therefor; and if the president and board of directors cannot agree with the owners of the lands over which said road shall pass, or from which gravel, stone, clay, or other materials may be required, then it shall be lawful for the president of said company to appoint one suitable and disinterested person, and the owner of such land or material another, and the two persons so appointed shall appoint a third, who shall be sworn fairly and impartially to estimate and assess the damages sustained by the owner of said land or material, and shall make their award under their hands and seals, one copy of which shall be delivered to the president, and another to the owner of such land or materials, and if either party shall feel himself aggrieved by the said award, he shall give notice to the other party, within ten days after such award may have come to his knowledge, that he will present the same to the next circuit court of the county where such owner resides, for adjustment, at which time the judge of the circuit court shall, by the intervention of a jury of twelve men, adjust and assess the damages such owners may sustain, without the necessary form of proceedings.

SEC. 10. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, January 19th, 1861.

No. 159.

AN ACT *changing the time of holding the Probate Court of Perry county, and for other purposes.*

SECTION

1. When courts to be held.

SECTION

2. Salary of judge.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That hereafter the probate courts of Perry county shall commence and be holden on the first Monday in March, June, September and December, in each year, and may continue from day to day, at each term, until the business of said courts shall be disposed of, and that all process hereafter issued shall be returned on said days.*

SEC. 2. *Be it further enacted, That the presiding judge of the probate court of Perry county shall hereafter receive a salary of one hundred and fifty dollars per annum for his services as such judge, to be paid as now provided by law for the compensation of presiding judges of the probate and county courts in this state; and that this act be in force from and after its passage.*

APPROVED, January 19th, 1861.

No. 160.

AN ACT *to alter the rules of practice in the Circuit Courts.*

SECTION

Reading of law to juries allowed.

2. Inconsistent laws repealed.

SECTION

Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the ninth rule of practice for the circuit courts in civil cases by the supreme court as fixed at its July term, eighteen hundred and forty-eight, be so altered as to read, that "The reading of law books to the jury shall be allowed in all cases, and that after the argument or submission of a cause to the jury, the court shall then charge and expound the law to the jury, and that the court shall not, before argument or submission of the cause to the jury, expound or settle the law of the case.

SEC. 2. *Be it further enacted,* That all laws or parts of laws inconsistent herewith, be, and the same are, hereby repealed.

SEC. 3. *Be it further enacted,* That this act take effect and be in force from and after its passage.

APPROVED, January 19th, 1861.

No. 161.

AN ACT *supplementary to an act entitled "an act for the protection of the overflowed lands in Chicot county.*

SECTION

1. Lands struck to the state for non-payment of taxes, in Chicot coun-

SECTION

ty, to belong to swamp land fund of county.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That all lands which may be offered for sale for taxes under the provisions of an act passed by the present General Assembly, for the protection of the overflowed lands in Chicot county, which shall not be sold, shall be struck off to the board of swamp land commissioners for the use of the overflowed lands in said county, and shall be subject to re-

demption from said board as if they had been purchased by any other person or persons.

SEC. 2. *Be it further enacted*, That all laws in conflict herewith, be, and the same are, hereby repealed, and that this act shall take effect and be in force from and after its passage.

APPROVED, January 19th, 1861.

No. 162.

AN ACT for the relief of William A. Porter.

SECTION

1. \$500 appropriated to pay expenses of arrest of Pittman.

SECTION

2. Auditor to issue warrant in favor of Wm. A. Porter.
3. Act in force from its passage.

WHEREAS, William A. Porter, sheriff of Sebastian county, expended large sums of money in apprehension of several persons who, during the year eighteen hundred and fifty-nine, made their escape from the jail in Sebastian county, to-wit: John Wafford, Robert Thompson, and Frederick McKinney and Jacob Pitman; *And whereas*, The said William A. Porter paid out of his own pocket several hundred dollars as rewards for the arrest of said prisoners, and no reward was offered or paid by the governor for the recaption of any of said fugitives, except Jacob Pitman; therefore

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the sum of five hundred dollars be, and the same is, hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay the rewards for the apprehension of the above named parties.

SEC. 2. *Be it further enacted*, That the auditor be, and he is, hereby directed to draw his warrant upon the treasurer, in favor of said William A. Porter, for the above amount of five hundred dollars.

SEC. 3. *Be it further enacted*, That this act be in force and take effect from and after its passage.

APPROVED, January 19th, 1861.

No. 163.

AN ACT to incorporate the Little Rock, Washington and Fort Smith Telegraph Company.

SECTION

1. Names of corporators, and style of corporation.
2. Capital stock not to exceed one hundred and fifty dollars per mile. Shares fifty dollars each.
3. Board of directors to manage affairs of the company.
4. No contract binding beyond the amount subscribed.

SECTION

5. Stock personal property, and transferable.
6. First annual meeting.
7. Right of way granted.
8. Penalty for injuring property of company.
9. Town or city corporations allowed to subscribe for stock.
10. County courts may subscribe.
11. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Josiah Snow, C. V. Meador, James Ketchum, William D. Snow, and their associates and assigns, are hereby created a corporation and body politic, under the name of "The Little Rock, Washington and Fort Smith Telegraph Company," for the erection and management of lines of telegraph from Little Rock to the town of Washington, in Hempstead county, from thence to Fort Smith, in Sebastian county, and such branch lines leading to other localities as the board of

directors may decide upon, with a succession of ninety-nine years, and by such name of the Little Rock, Washington and Fort Smith telegraph company, shall be capable to sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction, and shall have power to make and use a common seal, and the same to alter and renew at pleasure; buy and sell real estate, necessary to carry out the object and provisions of this charter; to make contracts and enforce the same, and to establish and put in full force such by-laws, rules and regulations as may be necessary and proper to carry into effect the provisions of this act, and shall have all the powers incident at common law, not inconsistent with the laws of this state, and of the United States.

SEC. 2. *Be it further enacted*, That the capital stock of the company shall not exceed one hundred and fifty dollars per mile for each and every mile; the stock to be divided into shares of fifty dollars each, and whenever stock to the amount of five thousand dollars shall be subscribed, the company may be organized and legally proceed to business.

SEC. 3. *Be it further enacted*, That the affairs of the company shall be managed by a board of directors; the number to compose such board, and the election of president, secretary and treasurer, shall be defined in the by-laws of said company, as well as the time of the annual meetings of the stockholders.

SEC. 4. *Be it further enacted*, That no officer of the company, or board of directors, shall contract any liability binding on the individual stockholders of the company further than the amount that each individual stockholder may have subscribed as stock to said company.

SEC. 5. *Be it further enacted*, That the stock of said company shall be considered personal property, and transferable upon the books of the company, as the by-laws may direct, and that said stock shall not be subjected to assessment for taxes of any kind, until the dividends of said company amount to ten per cent. per annum.

SEC. 6. *Be it further enacted*, That the first annual meeting

under this charter shall be on the day that the by-laws of ^{stary} company may designate.

SEC. 7. *Be it further enacted*, That the said company shall have the right of way along the routes designated, and to be designated by the board of directors of the said company, over all the public roads, highways, and public thoroughfares of this state; to erect said telegraph lines, and also, the right of way over the landed property of private individuals and corporations, by paying a reasonable compensation therefor.

SEC. 8. *Be it further enacted*, That if any person shall destroy, injure, molest, or obstruct said line or lines, or any material thereof, shall be subject to indictment, and on conviction thereof, shall be fined in any sum not less than fifty dollars, and imprisoned not less than thirty days, and pay said company for all damages sustained thereby.

SEC. 9. *Be it further enacted*, That it shall be lawful for any city or town corporation, by the board of aldermen, or town council, to subscribe for and hold stock in the said telegraph company, and to pay the amount of said subscription out of any corporation funds not specially appropriated to any other purpose, and to levy money by taxation for the payment of any such subscription.

SEC. 10. *Be it further enacted*, That any county court of any county in this state, through which the telegraph lines of this company may be constructed, are hereby authorized and empowered whenever such court may deem it expedient to subscribe as stock, out of the internal improvement fund of such counties, the sum of fifty dollars for each mile constructed in their respective counties.

SEC. 11. *Be it further enacted*, That this act shall be in force and take effect from and after its passage.

APPROVED, January 19th, 1861.

direct
paid

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No. 164.

relief of the locating agents who have selected swamp and overflowed lands in this State, by the governor, under the act of 30th Decem-

SECTION

1. Accounts of locating agents to be certified to and paid.

SECTION

2. When the swamp land secretary shall not give certificate.

WHEREAS, Agents were appointed to locate the swamp and overflowed lands in this state by the governor of Arkansas, under the act of 30th December, 1856; *And whereas*, The said agents, by virtue of their said appointments, proceeded to locate and report for confirmation the swamp and overflowed lands in their respective counties, in accordance with the provisions of said act of the thirtieth of December, 1856, and accompanying instructions; *And whereas*, Joseph S. Wilson, commissioner of the general land office, in his instructions to the registers and receivers in Arkansas, bearing date June 3d, 1860, lays down for their government new forms and instructions, and thereby works a hardship upon the locating agents, who made and reported their selections under prior instructions and in good faith; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the swamp land secretary is hereby authorized to certify to the auditor of public accounts, the amounts due to said locating agents, respectively, at the rates now fixed by law; said accounts to be by him ascertained from the duly authenticated lists of swamp land selections filed in his office, in strict conformity to the laws and instructions prior to the fifth of June, 1860, and the auditor is authorized to draw his warrant upon the treasurer for the amounts so certified; which shall be paid out of the swamp land fund of the district in which the selections were made, in specie or in swamp land scrip.

SEC. 2. *Be it further enacted*, That the swamp land secretary shall not give his certificate, as required in the first section in this act, for any reports made by said agents since the instructions of the commissioner bearing date June 5th, 1860, were received by the registers and receivers of this state, and this act shall be in force from and after its passage.

APPROVED, January 19th, 1861.

No. 165.

AN ACT to incorporate the *Merchant's and Planter's Insurance Company, of Little Rock.*

SECTION

1. Names of corporators and style of corporation.
2. Board of directors to manage affairs of the company.
3. Capital and value of shares.
4. Each share entitles the holder to one vote.
5. Company to organize when fifty thousand dollars is subscribed.

SECTION

6. Directors to elect a president.
7. How funds of company shall be invested.
8. How surplus profits to be disposed of.
9. Directors to be annually elected
10. Policies—how signed.
11. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, as follows:* That Sterling H. Tucker, T. J. Churchill, James B. Keatts, William G. Campbell, John D. Adams, Gilbert Knapp, Charles P. Bertrand, J. J. McAlmont, W. W. Adams, William R. Vaughan, William F. Pope, their successors and associates, shall be and are hereby made a body corporate and politic, by the name and style of "The Merchants' and Planters' insurance company of Little Rock," for the purpose of insuring property of all kinds against loss and damage by fire, and the perils of the sea and inland navigation and transportation; and under the same name shall have succession for fifty years,

and be able to sue and be sued, plead and be impleaded, in all courts of law and equity; and to make and use a common seal, and to change the same at pleasure.

SEC. 2. The business of said company shall be conducted under such rules and regulations as may be from time to time adopted by the directors, if consistent with the laws of the state and the provisions of this act.

SEC. 3. And the said corporation is hereby authorized to subscribe and have a guarantied capital of at least fifty thousand dollars, divided into shares of one hundred dollars each, which may be increased to any amount not exceeding one million of dollars; and the first board of directors of said company shall be commissioners to receive subscriptions to said capital at the office of said company in Little Rock, at such times and in such manner, after ten days' notice, published in at least two newspapers printed in Little Rock, as they may deem proper; at the time of subscribing to said capital stock, one dollar on each share shall be paid in cash, and the remainder paid or secured to be paid by United States bonds, first mortgages on real estate, or good indorsed notes, within thirty days thereafter, to the satisfaction of the directors.

SEC. 4. Each share of the capital stock shall entitle the holder thereof to one vote at all regular meetings of the stockholders; and each policy holder shall be entitled to one vote for directors for each one hundred dollars of premium paid by him for insurance.

SEC. 5. Whenever stock to the amount of fifty thousand dollars shall have been subscribed, and the said stock paid or secured to be paid to the satisfaction of the directors, the said company shall be fully empowered to organize, and to do and perform all business authorized by this act of incorporation.

SEC. 6. At the first meeting after the said amount of stock shall have been subscribed and payment thereof satisfactorily secured, the directors of said corporation shall elect one president and one vice-president, and appoint one secretary and treasurer, who shall serve during good behavior, or until others are elected in their stead; and the directors shall have power

to appoint and employ such other officers and servants, and establish such agencies as the interests of said company may require; the duties of such officers, servants and agents to be prescribed in the regulations of said company.

SEC. 7. The funds of said corporation may be invested in such loans and purchases of bills of exchange, drafts, promissory notes, and upon bottomry and respondentia bonds, as may be agreed upon from time to time by the directors of said company; and the said corporation may purchase and hold such real estate as may be necessary and convenient for the transaction of its business.

SEC. 8. Whenever the net surplus receipts of the said company, over losses, expenses, and a fund sufficient to re-insure all outstanding risks shall be sufficient for the purpose; the said surplus may be divided among the policy and stockholders, in such manner as may seem to the directors best for the interests of the said company.

SEC. 9. On the first Wednesday of December of each year, after the organization of the said corporation, the stockholders and policy holders entitled to vote, shall meet at the office of the said company, and elect from among the stockholders, a number of directors, not less than thirteen, nor more than fifty-nine, who shall serve for one year from the first day of January following, or until others are elected in their stead; the first members of said company, with the persons named in the first section of this act, shall be directors during the first year.

SEC. 10. All policies of insurance and other contracts entered into by this company, shall be signed by the president and secretary, and sealed with the seal of said company; *Provided*, That nothing in this act shall be so construed as to allow said company any banking privileges.

SEC. 11. This act shall take effect from and after its passage.
APPROVED, January 19th, 1861.

No. 166.

AN ACT to amend an act, entitled "an act to authorize the county court of Arkansas county, to levy a road tax, and for other purposes."

SECTION

1. Act amended so as to enable county court to reject or accept it.
2. If act is rejected, older acts revived.
3. If act is rejected, internal improvement commissioner revived.

SECTION

4. Act to be a public act, and conflicting laws repealed from and after its approval as provided for.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That an act passed by the last General Assembly of the State of Arkansas, entitled "an act to authorize the county court of Arkansas county, to levy a road tax and for other purposes," be, and the same is hereby so amended as to authorize and empower said county court of Arkansas county, at any regular term thereof, to reject the provisions and benefits of said act in the same manner that they were authorized to accept the same; *Provided*, That all the justices of the peace in the county shall be notified to attend the court at which this act is to be considered; *And provided, also*, That it shall require a majority of all the justices of the peace in the county to accept the provisions of this act, and to reject the act aforesaid; and if a majority of the justices of the peace as aforesaid vote in favor of rejecting the act as aforesaid, the same shall become void and inoperative in said county of Arkansas.

SEC. 2. *Be it further enacted*, That whenever the county court of Arkansas county, in the manner prescribed in the preceding section, shall reject said act as aforesaid, all the general provisions of law in the State of Arkansas concerning roads and highways contained in Gould's Digest, chapter one hundred and forty-nine, of the laws of Arkansas, shall thereby and by force of this act, be revived, and in full force in said county of Arkansas.

SEC. 3. *Be it further enacted*, That upon the rejection of said

act, and the accepting of this act, by the county court of Arkansas county, the office of internal improvement commissioner in said county, shall thereby and by virtue of this act, be revived, and all the general laws of the State of Arkansas regulating the election, qualification and duties of internal improvement in the several counties of this state, shall become revived and be in full force in said county of Arkansas; and all the moneys, notes, bonds, accounts and books belonging to said internal improvement fund now in the hands of county treasurer of said county, shall be turned over to the internal improvement commissioner when elected and qualified according to law.

SEC. 4. *And be it further enacted*, That this act shall be deemed and considered a public act in said county, so soon as the same is accepted by said court; and all laws coming in conflict with the provisions of this act, are hereby repealed from the day of its approval in said county.

APPROVED, January 19th, 1861.

No. 167.

AN ACT for the relief of Edwin J. L. Green.

SECTION

1. To possess all the right of a person who has attained his majority.
2. Empowered to make or ratify contracts.

SECTION

3. Act not to discharge guardian or executor.
4. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Edwin J. L. Green, a minor, late of the county of Hempstead, now of the State of Texas, be, and he is hereby authorized to assume the management, possession and control of his own property, rights, credits and estate, as one of the heirs and legates of his late father, George W.

Green, deceased, and to sue for, recover, hold, use, enjoy and dispose of the same, by sale or otherwise, in the same manner, as fully and to the same extent as if he had attained the age of twenty-one years.

SEC. 2. *Be it further enacted*, That the said Edwin J. L. Green be, and he is hereby authorized and empowered to enter into contracts, settlements and agreements in relation to his estate, or to ratify any heretofore made, which shall be valid to the same extent, and as fully and be as binding on him and his heirs, as if he had attained the age of twenty-one years.

SEC. 3. *Be it further enacted*, That this act shall not be so construed as to discharge from liability, any person who, as guardian or executor, is now or may hereafter be liable to account to the said Edwin J. L. Green, for any portion of his property or estate, or for the hire, income, use or profits thereof, and the said Edwin J. L. Green may receipt to his guardian, which receipt shall be taken by the proper courts as good and valid vouchers against him and his heirs.

SEC. 4. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, January 19th, 1861.

No. 168.

AN ACT to provide for the making and repairing of levees in Crittenden county.

SECTION

1. County court to lay off three levee districts, and appoint three levee inspectors.
2. Inspectors to give bond.
3. Duty of inspector to lay off levees.
4. Other duties.

SECTION

5. Contractors to give bond.
6. Inspectors duty during overflow, or danger of overflow.
7. How levees shall be constructed.
8. Levee tax, how raised.
9. When levee tax to cease.

SECTION

10. County court to be called to carry out this act.
11. Sheriff and collector to give bond to pay over levee tax.
12. Treasurer to give bond.
13. Persons whose private levees are adopted to be compensated.
14. Clerk to keep record of levee transactions.
15. Assessment and levy of levee tax to be made by order of county court.
16. "Act to quiet land titles" applicable to lands under this act.
17. Damages injury of lands from levee.

SECTION

18. When injunction may issue to stop levee.
19. How wrong assessment to be rectified.
20. Compensation of inspector.
21. Vacancies, how filled.
22. Inspector refusing to serve to be fined.
23. Lands to be sold for non-payment of levee taxes.
24. This act to apply also to Mississippi county.
25. All conflicting laws repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That for the purpose of establishing a just, equitable, and efficient system of building and repairing levees in the county of Crittenden, in this state, it shall be the duty of the county court of said county of Crittenden, to divide and lay off in three levee districts, the territory of said county; said districts to be of equal size, as near as may be, or to contain an equal area of those lands that are, or may be, protected by levees, or benefited directly, or indirectly, thereby; and to appoint three levee inspectors for said county, who shall hold their office for one year, and until their successors are appointed by said court, and qualified, and who shall be freeholders of said county, and residents of the levee district for which each is appointed.

SEC. 2. That before any person so appointed shall act as such levee inspector, he shall enter into bond to the State of Arkansas, for the use and benefit of the levee district for which he was appointed, in the sum of three thousand dollars, conditioned that he will do and faithfully perform all and singular the duties required of him by law, or made incumbent upon him as levee inspector, by order of said county court, and shall also make and subscribe an affidavit, that he will faithfully perform all the duties required of him, as levee inspector, by law, and the order of said county court, which bond shall be approved by the presiding judge of said county court, either

in term time or in vacation of said court, and recorded in the proper office of said county.

SEC. 3. It shall be the duty of each levee inspector so appointed as aforesaid, to lay off, in his district, such levees as are, or may be, in his judgment, necessary for the protection from overflow or backwater; such levees to be built at suitable or proper distances from the river or rivers.

SEC. 4. It shall be the further duty of each levee inspector to let out to, and contract with the lowest bidder for the building and repairing of any levee, or levees, in his district, after public notice shall have been given, by setting up notices in three of the most public places in said district, and two insertions in some newspaper, at least fifteen days next preceding the day of letting said work.

SEC. 5. It shall be the duty of each inspector to require of each person or firm, who may undertake or contract for the building or repairing of any levee or levees in said district, a bond, with good security, conditioned for the faithful performance and execution of the contract, which bond shall be in a sum equal to the estimated value of the work contracted for, shall be made payable to the State of Arkansas, for the use and benefit of the proper levee district, and may be sued upon by said levee inspector, and recovery had before any court of competent jurisdiction.

SEC. 6. Said inspectors shall, during high water, when any river is against the levee or the bank, examine the levees in his district twice a week, and oftener, if necessary, and upon an emergency or time of danger to such levees, (of which said levee inspectors are made, by this act, exclusive judges,) may, by requisition in writing, call out any number, or all of the slaves, subject to road duty, belonging to persons immediately interested, and residing in the proper district, and set them to work to repair, or prevent any damage to any levee, and whenever the owner, or owners, of any such slaves fail or neglect to furnish slaves, as required by the inspector of his district, such owner, or owners, shall pay five dollars a day for each day that each slave is not sent, according to the requisition of the inspec-

tor, the amounts so forfeited, and becoming due, shall enure to the levee district in which the default is made, and may be recovered upon an account made out in the name of the State of Arkansas, for the use and benefit of such levee district, before a justice of the peace of the township in which such default occurred, or in which the defendant resides, or has his plantation, or if the sum will warrant it, before the circuit court of Crittenden county, and the certificate of the levee inspector shall in all cases, be sufficient to entitle the state, for the use of the proper district, to recover, unless disproved by competent testimony. All persons furnishing or sending their slaves, according to the requisition of the levee inspector, shall be allowed two dollars a day for each slave sent, from the time they leave the plantation until they directly return, to be certified by the levee inspector, in which certificate shall be stated the number of days worked out, and the amount each person is entitled to, and such certificate shall be received by the sheriff or collector of levee tax in payment for so much of the holder's levee tax; *Provided*, That the owner of any lands susceptible of cultivation, that lie wholly between the river and the levee, and are not protected by the levee, shall be exempt from such requisition and levee tax, as regards such unprotected lands.

SEC. 7. All levees to be made in pursuance of the provisions of this act, shall be made and built as follows, to-wit: all trees, stumps and logs shall be removed from the foundation of the levee; the dirt or earth necessary to build said levee shall not be taken nearer than six feet of the base thereof, and all levees shall be at least thirty inches above high water mark, and in width shall be seven feet in base to every foot in height.

SEC. 8. In order to raise a fund for the construction and repair of the levees and drains contemplated by this act, there shall be assessed, levied and collected, a special levee tax, the rate whereof shall be fixed by the county court of said county, in and for each year, commencing with the year 1861, on all lands alluvial in their formation, or which are, or may be subject to overflow, or directly, or indirectly benefited by levees or drains, belonging to any person or corporation, resident as well

as non-resident, other than the United States or the State of Arkansas, situate in said county, of not less than ten cents, nor more than twenty cents per acre thereof, for the first year, and for each subsequent year thereafter, of not more than ten cents, nor less than one cent per acre, and such rate shall be fixed and entered on record in and by said county court, at and during the same term thereof, and in the same manner as is, or may be provided by law in respect to the rate of county revenue, and such special tax shall be entered by the clerk of said county in a separate column upon the tax book required by law to be made and delivered to the collector, whose duty it shall be to proceed to collect the same in the same manner as other taxes, and according to the laws that are, or may be, in force respecting the assessment and collection of revenue and sale of lands for non-payment of taxes, so far as the same are or may be applicable, and not inconsistent with the provisions of this act.

SEC. 9. Whenever it shall be made to appear to the county court of Crittenden county, that the levees therein are completed and in full repair, they shall levy no further levee tax until needed repairs shall render it necessary.

SEC. 10. In order to carry out and accomplish the objects contemplated by this act, the judge of the county court of Crittenden county may call and hold a session of term of said court at his discretion, and said court, when convened, shall have full power to make all orders, render all judgments, and do all acts necessary to accomplish the objects contemplated herein..

SEC. 11. For the faithful performance of the duties required of the sheriff and collector, by this act, he shall enter into bond to the State of Arkansas, for the use of Crittenden county, in a sum, and with security which shall be satisfactory to said court, conditioned that he will diligently collect, and faithfully pay over all moneys collected by him as levee tax, as found to be due from him by the county court to the treasurer of said county, and duly perform all things required of him by this act; said sheriff or collector shall receive as a full compensation for collecting such levee tax, two and a half per centum on the

amount by him collected, and upon a failure of said collector to pay over such money, or any part thereof, the same proceedings may be had against him on his said bond as is now provided by law in cases of failure to pay over other taxes.

SEC. 12. The county court shall take and require a bond from the treasurer of said county in double the amount said court shall estimate the levy tax of said county shall amount to, in either of the two succeeding years, conditioned that he will safely keep, properly disburse, and faithfully account for all sums and amounts belonging to the levee fund, or collected and paid in as levee taxes. Said bond shall be approved by the presiding judge of the county court, and duly recorded. Said treasurer shall make out and report to, and at each regular term of the county court, a statement of all amounts thereof received by him on account of the levee fund, the amounts thereof disbursed by him and still on hand, and as a compensation for his services in connection with said levee fund, shall receive one per centum on all amounts of such funds accounted for by him.

SEC. 13. In all cases where any person or persons have erected, or may hereafter erect a levee, or part of a levee, of his or their own volition, without contract for pay therefor, which being examined by the levee inspectors, and by them adopted and reported to said court as being in a proper location and sufficient to form a part of the general levee, the court may order such person or persons to be paid a reasonable compensation therefor, out of the levee fund of said county.

SEC. 14. The clerk of the county court shall keep a full and accurate record of all proceedings and transactions in relation to levees of said levee inspectors, settlements of collector and treasurer, and orders of county court, and to the end that said record may be made complete, said levee inspectors may file reports of their proceedings as such to the county clerk, and cause the same to be spread upon the record, and as a compensation for his services in and about said levee fund, and proceedings thereon, he shall receive such fees as he is now entitled to by law for similar services, to be paid out of said levee fund, and all special terms, and expenses, attending.

thereon, and all expenses connected with the administration of said levee fund, shall be paid out of the same.

Sec. 15. The assessment and levy of said levee tax shall be made by order of the county court, upon the record thereof, which shall designate the amount of tax per acre and the time when payment of the same will be required—a copy of which shall be published for four successive weeks in some newspaper published in this state, and other copies to be posted up, one each, in the several levee districts in said county; but it shall not be necessary in such order to describe the land subject to taxation by numbers, or other specific description. Upon the making and publication of the order aforesaid, and fixing the rate of tax and time of the payment thereof, all lands in said county shall be considered as duly and legally taxed, and said tax duly levied, and the clerk of the county court shall attach to or extend on each page of the annual tax book of the county, in a separate column, to be ruled and provided for that purpose, under the heading of "Levee Tax," and it is hereby made the duty of the county court in adjusting said tax book in regard to the state and county taxes, as is now required by law, to adjust the same in like manner as regards the levee tax.

Sec. 16. The provisions for an act entitled "an act to quiet land titles in this state," approved January 10th, 1857, be, and the same are, hereby made applicable, in all cases, to lands and the titles thereto that may be sold under the provisions of this act.

Sec. 17. If any person or persons shall feel themselves aggrieved by the running of any levee through his or their lands, such person or persons shall, within ten days after the location of the line of said levee, give notice to the levee inspector of the district in which said levee is to be made, who shall immediately give notice to the sheriff of the county to summon twelve freeholders of the county, having no interest in any of the lands within a mile of said contemplated levee, and who are not, by marriage, or otherwise related to, or connected with, any owners of such lands, who shall, after being duly sworn, proceed to examine the statement of the complainant and ascertain all the

facts connected therewith; the advantages and disadvantages, benefits and injuries likely to accrue to the complainant from the erection and maintainance of such levee, shall assess and award to him such damages, if any they shall find, as they may deem just and right; all of which shall be reduced to writing, signed by the twelve persons so summoned by the sheriff and sitting as a jury, and returned by the sheriff to the county court of said county, and by the clerk entered of record, which assessment or award shall be paid out of the levee fund. The sheriff, for summoning said jury, shall be allowed and paid the same fee now allowed by law for summoning a jury, to be paid by the complainant, if he is allowed no damages; but if damages are allowed, to be paid out of the levee fund, and each juror shall be allowed two dollars for each day he is actually engaged in such service, to be paid in like manner, and each and every person, so summoned to act as such juror, who shall neglect or refuse to serve as such, shall, unless he shall show good cause to the contrary, forfeit and pay to the levee fund of the proper district the sum of two dollars for each refusal or neglect to act, to be recovered in the name of the State of Arkansas, for the use and benefit of such levee district, before any justice of the peace of said county.

SEC. 18. When any levee or line of levee is so located, the land required for its construction, belonging to individuals which is not by them granted, ceded, or the use thereof permitted by the owners thereof, shall be condemned to public use, such owner having a right to claim and recover any damages occasioned to him thereby; *Provided*, That no injunction shall issue to stop the progress of any work, unless the claimant shall append to his bill or petition in such case, that the levee fund is not and probably will not be sufficient in amount to indemnify him in respect to the alleged damage.

SEC. 19. If any owner or owners of land shall represent to the county court of said county at the next March term, after the assessment list is filed, or at the proper term in every year after said list is so filed, that all or any part of his lands are between the levee and the river, so as to be without the protection of

said levee, the court, after satisfactory proof of ownership, and the number of acres so unprotected, may release so much of the levee tax as may be assessed on said land; and cause the sheriff to be notified of such release, or, if taxes thereon have been paid, may order the same to be refunded, upon a warrant by the clerk on the levee fund.

SEC. 20. It shall be the duty of each levee inspector to perform all the duties prescribed by this act, and upon the performance thereof, shall be entitled to the sum of three dollars a day for each and every day he is actually engaged in such service, to be paid out of the levee fund, by order of the county court, to which court the levee inspector shall render his account, verified by his affidavit.

SEC. 21. In case of death, removal, refusal to qualify, or other disability, of any person to serve as levee inspector, after being thereto appointed, the county court of said county shall appoint some other suitable person to fill the vacancy or unexpired term.

SEC. 22. In case of the failure or refusal of any person to serve as levee inspector, after being duly appointed, he shall be cited before the county court, unless good cause is shown to the contrary, shall be fined fifty dollars for contempt of court, and on the judgment of fine, execution may be issued and executed, and for all costs, and the amount of fine paid into the levee fund, and if any sheriff or treasurer shall fail to give bond as required in the preceding sections, the court may appoint some other suitable person as collector or treasurer of the revenue fund, and require him to give bond.

SEC. 23. The general laws in this state in relation to the sale of lands for the non-payment of taxes, and the conveying of the same to purchasers on the forfeiture thereof, shall apply to lands on which said levee tax is unpaid.

SEC. 24. All and singular the provisions of this act, and all the powers and privileges granted herein to Crittenden county, and all offices therein be, and the same are, hereby granted and extended to and over the county of Mississippi and the officers thereof.

SEC. 25. All laws and parts of laws conflicting herewith, so far as the counties of Mississippi and Crittenden are concerned, be, and the same are, hereby repealed, and this act take effect on and be in force from the first day of January, A. D. 1861.

APPROVED, January 19th, 1861.

No. 169.

AN ACT for the benefit of the citizens of Mars Hill township.

SECTION

1. No person to sell vinous liquors in Mars Hill township on public days.

SECTION

2. Penalty for violating sec. 1.
3. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That it shall not be lawful for any person to sell any spirituous or vinous liquors or to give the same to any person or persons, at any public place on any day of election, public speaking or public collection, or take the same near the said public gathering for the purpose of selling or giving said spirituous or vinous liquors to any person, on said public day, in Mars Hill township, Washington county, Arkansas.

SEC. 2. *Be it further enacted*, That any person or persons who shall violate the provisions of this act, shall be deemed guilty of misdemeanor, subject to indictment, and shall, upon conviction, be fined in any sum, not less than twenty-five dollars, for each offence.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

APPROVED, January 19th, 1861.

No. 170.

AN ACT *making appropriations for the payment of certain accounts against the State of Arkansas.*

SECTION

1. To gas company, forty-five dollars and sixty-eight cents; to Spaulding, two dollars and fifty cents; to Ford, two dollars; to George &

SECTION

- Robins, five hundred and fifty-two dollars.
3. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the following sums of money be, and the same are, hereby, respectively appropriated out of any money in the treasury of this state, not otherwise appropriated: First, to pay Little Rock Gas Company for gas for the use of the state until to the first of December, eighteen hundred and sixty, the sum of forty-five dollars and sixty-eight cents; second, to pay W. Spaulding for repairing ten desk locks, two dollars and fifty cents; third, to pay D. G. Ford for fitting, cleaning and putting up stove pipe, the sum of two dollars; fourth, to pay George & Robins for fencing garden for use of penitentiary, building out-houses, making fence, gates, furnishing material for fences, hinges for gates, bolts, etc., the sum of five hundred and fifty-two dollars.

SEC. 2. *Be it farther enacted,* That this act take effect and be in force from and after its passage.

APPROVED, January 19th, 1861.

No. 171.

AN ACT amendatory of the laws of this State in relation to the liquidation of the Bank of the State of Arkansas, and for other purposes.

SECTION

1. Treasurer to perform the duties of financial receiver of the State Bank.
2. The duties of receiver extended for two years.

SECTION

3. Treasurer to contract for sale of bank property.
4. Treasurer to give bond as receiver.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That from and after the 12th day of January, A. D. 1861, the treasurer shall do and perform the duties prescribed by law for the financial receiver, and it shall be his duty to receive at or after such date, from the financial receiver, all the books, papers, furniture, bonds, notes, evidences of title, receipts, vouchers, and every thing else in any wise appertaining to said office, who is hereby authorized and required to deliver the same, and when received shall give a duplicate receipt for the same, one of which shall be filed in the office of the secretary of state.

SEC. 2. *Be it further enacted,* That all acts of this Assembly, in any manner relating to the office of financial receiver, or the duties of the receiver, not inconsistent with this act, be, and the same are, hereby extended in their operation and effect for the two years next following the 12th day of January, A. D. 1861, and that the treasurer, in the performance of his duties, be governed by the same, in all respects, as if treasurer was therein written, when financial receiver occurs.

SEC. 3. *Be it further enacted,* That the treasurer may contract for the sale of any and all real property of the Bank of the State of Arkansas, by himself or attorney, when in his judgment a sale thereof is necessary, and shall submit a written statement of the terms to the governor, which contract of sale, if approved by him in writing, indorsed thereon, shall be deemed a contract of the state, and shall be executed by the

treasurer giving a receipt to the purchaser, if the whole amount of the purchase price be paid, upon the production of which to the governor he shall execute a deed, and if it be not wholly paid, by giving a certificate to the purchaser, with full recital, which shall be evidence of the facts therein set forth, and upon full payment, shall so certify, upon the production of which to the governor he shall make and execute a deed.

SEC. 4. *Be it further enacted*, That to secure the faithful performance of the duties herein imposed upon the treasurer, he shall execute a bond to the State of Arkansas in the sum of fifty thousand dollars, which said bond shall be approved by the governor; and that, as a compensation for this performance, that he have and receive five per cent. of all the moneys collected by him from any account whatever.

SEC. 5. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

APPROVED, January 19th, 1861.

No. 172.

AN ACT to prevent trespassing upon the school lands in the counties of Pulaski, Izard, Fulton, Marion, Searcy, Bradley and Van Buren.

SECTION

1. Section fifty-nine and sixty of chapter one hundred and fifty-four of

SECTION

Gould's Digest to apply to said counties.

2. All conflicting laws repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That sections fifty-nine and sixty, of chapter one

hundred and fifty-four, of Gould's Digest, shall be, in every sense of the word, applicable to the counties of Pulask, Izard, Fulton, Marion, Searcy, Bradley and Van Buren, in all cases of trespass upon the school lands in said counties.

SEC. 2. *Be it further enacted*, That all laws or parts of laws in conflict with this act, be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

APPROVED, January 19th, 1861.

No. 173.

AN ACT to provide for the assignment and transfer of claims and certificates of certain pre-emptors on reserved lands along railroad lines.

SECTION

1. Pre-emptions in certain cases transferable.

SECTION

2. Transfers of pre-emptions legalized.
3. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all pre-emptions, pre-emption rights and certificates, granted thereon and therefor, by virtue of sections two, three, four and five, of the act entitled "An act to amend an act to aid in the construction of the Cairo and Fulton railroad, approved January 16th, eighteen hundred and fifty-five, which was approved on the 26th day of November, eighteen hundred and fifty-six, by virtue of section three, of the act entitled 'an act concerning the Cairo and Fulton railroad and its two branches,'" approved February 1st, eighteen hundred and fifty-

nine, be, and the same are hereby made transferable and assignable; such assignment to be in writing, and to be acknowledged or proven, as is now required by law for deeds of conveyance.

SEC. 2. *Be it further enacted*, That all transfers or assignments of pre-emption rights and certificates granted thereon, referred to in the foregoing section, heretofore made in good faith, be and the same are hereby legalized, and shall be recognized as valid as if executed under the provisions of this act.

SEC. 3. *Be it further enacted*, That this act be in force from its passage,

APPROVED, January 19th, 1861.

No. 174.

AN ACT for the relief of persons holding swamp land scrip which is out of date.

SECTION.

1. Swamp land scrip out of date revived.

SECTION

2. Scrip hereafter issued to expire in twelve months.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all swamp land scrip issued up to this date, which is out of date by existing laws, is hereby revived, and shall be received by the land agents in payment for any lands subject to sale by them, where such scrip belongs to their districts by existing laws.

SEC. 2. *Be it further enacted*, That all swamp land scrip issued hereafter, shall have written on the back of such scrip, that said scrip will be out of date in twelve months from the

date of said scrip, and this act take effect and be in force from and after its passage.

APPROVED, January 19th, 1861.

No. 175.

AN ACT *to repeal an act entitled "An act, declaring Cache river navigable," approved 5th Decemben, A. D. 1846.*

SECTION 1. Act repealed making Cache river navigable.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the act of the General Assembly, entitled "An act to declare Cache river navigable," approved on 5th day of December, A. D. eighteen hundred and forty-six, be, and the same is hereby repealed, so far as the same relates to said river, from the line between townships six and seven north, and that this act be in force from and after its passage.

APPROVED, January 19th, 1861.

No. 176.

AN ACT to repeal in part an act entitled "An act to authorize the counties of Jackson, Crawford, Pope, Lafayette, Phillips, Crittenden, Monroe, Columbia and Pulaski, to levy a road tax.

SECTION

1. Law repealed as far as Jackson and Monroe counties concerned.

SECTION

2. General road law revived.
3. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That so much of the above recited act as applies to the counties of Monroe and Jackson, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That the general road law of the state is hereby revived and re-enacted, so far as it may apply to the counties of Monroe and Jackson.

SEC. 3. *Be it further enacted,* That this act be in force and take effect from and after its passage.

APPROVED, January 19th, 1861.

No. 177.

AN ACT to secure the State of Arkansas her full federal Representation in Congress.

SECTION.

1. State divided into three districts. A floating representative provided for.
2. Time of holding election-1st Mon-

SECTION.

- day October, 1861.
3. Conflicting laws repealed; and act to be in force from its passage.

SECTION 1. *Be it* by the General Assembly of the State

of Arkansas, That if, under the federal census and apportionment of eighteen hundred and sixty, this state shall be entitled to two representatives only, to the Congress of the United States; then the two congressional districts shall remain as now constituted. But, if under said census and apportionment, this state shall be entitled to three representatives, then three congressional districts shall be, and the same are hereby created, as follows, to-wit: The first district shall be composed of the counties of Greene, Mississippi, Craighead, Randolph, Lawrence, Fulton, Izard, Searcy, Van Buren, Independence, Jackson, Poinsett, Crittenden, Saint Francis, White, Conway, Prairie, Arkansas, Monroe and Phillips. The second district shall be composed, of the counties of Pulaski, Saline, Hot Springs, Jefferson, Dallas, Bradley, Drew, Desha, Chicot, Ashley, Calhoun, Union, Ouachita, Columbia, Hempstead and Lafayette. The third district shall be composed of the counties of Marion, Carroll, Madison, Benton, Washington, Newton, Pope, Yell, Perry, Johnson, Franklin, Crawford, Sebastian, Scott, Polk, Montgomery, Clark, Pike and Sevier, each of said districts to elect one Representative to Congress, and should the state be entitled to four representatives, then, and in that event, the whole state shall constitute one congressional district, and shall elect one member as a floater for the state at large, by the vote of the whole state.

SEC. 2. *Be it further enacted*, That in order that this state may immediately have the benefit of the additional representation, to which she may be entitled under said clauses and apportionment, such additional representation or representations, shall be elected by the votes of the proper districts or state as hereinbefore constituted or directed, on the first Monday in October, A. D. eighteen hundred and sixty-one, under the laws now in force, regulating general elections, and on the first Monday in October, every two years thereafter, said voters shall elect the number of representatives to which this state may be entitled under the laws then in force regulating the subject.

SEC. 3. *Be it further enacted*, That all laws and parts of laws

conflicting with this act shall be, and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

APPROVED, January 19th, 1861.

No. 178.

AN ACT to provide for the sale of runaway slaves confined in the Penitentiary.

SECTION

1. Runaway negroes confined in penitentiary to be sold after two years. Conflicting laws repealed. Keeper to give six weeks' notice of sale in newspaper. Sale to be made at court house in Pulaski county. Purchaser to pay into treasury purchase money. Auditor to certify payment to keeper. Governor to execute bill of sale to purchaser.

SECTION

2. Advertisement to be published two years.
3. Compensation of keeper for selling slave. Private secretary allowed five dollars for drawing bill of sale.
4. All expenses to be paid out of purchase money, on warrant of auditor, when not more than one slave sold for.
5. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That so much of chapter one hundred and sixty-two, of the Digest of the Statutes of Arkansas, as requires runaway slaves, whose owners fail to apply for them, to be kept in the penitentiary for life, be, and the same is hereby repealed, and hereafter any runaway slave who has been or may be in the penitentiary for two years, shall be sold and disposed of as follows: At the end of two years, if the owner, in person, or by agent, still fails to come forward and legally claim and take away said slave, the keeper of the penitentiary shall advertise in the newspaper conducted by the public printer, if one be published in the city of Little Rock, if not, in

some newspaper published in said city, for six successive weeks, a notice that he will sell, at the door of the court house of Pulaski county, a certain slave, and shall describe his or her age, appearance, and supposed name, and on the day appointed, which shall be within sixty days of the first insertion of the advertisement, shall, if the owner of said slave has not come forward and legally claimed and taken him or her away, offer said runaway slave at public sale, for cash, to the highest bidder, and give to the purchaser or purchasers, a statement, directed to the treasurer of the state, of the price for which said slave was purchased, and by whom, upon the payment of the purchase money into the state treasury, the purchaser shall file one of duplicate receipts with the auditor, who shall certify that the amount has been paid into the treasury by said purchaser, and upon exhibiting this certificate to the keeper of the penitentiary, he shall deliver said slave to said purchaser, and should said purchaser desire it, he may, upon filing his said certificate in the executive office, receive from the governor a bill of sale of said slave, which shall vest in the purchaser a good and valid title to said slave.

SEC. 2. *Be it further enacted*, That so much of section seventeen of said chapter as requires an advertisement describing the runaway slave, to be published for six months, be, and the same is hereby amended so as to require said advertisement to be published for two years.

SEC. 3. *Be it further enacted*, That the keeper of the penitentiary shall be allowed, for his services, in selling said runaway slave the sum of five dollars, to be paid by the purchaser, in addition to the price bid for said slave, and the private secretary of the governor, the sum of five dollars for preparing the bill of sale, should the purchaser elect to take one.

SEC. 4. That when the purchase money for any slave, sold under the provisions of this act, shall have been paid into the state treasury, all the expenses incident to the taking up and keeping and advertising of said slave, under this act, and under existing laws, not inconsistent herewith, shall be paid out of such purchase money, and it shall be the duty of the auditor of



public accounts to audit the accounts so allowed to be paid, and when satisfied of their correctness and justness, to draw his warrant upon the treasury for such amount as he may find to be correct, in favor of the person or persons, to whom the same is due and owing, and such amount shall be paid by the treasurer, out of the purchase money of such slave or slaves, and in no case shall more be paid than such slaves may have sold for.

SEC. 5. *Be it further enacted*, That this act take effect and be in force from and after its passage,

APPROVED, January 19th, 1861.

No. 179.

AN ACT to provide for defraying the expenses of commissioners to purchase arms.

SECTION

1. Sufficient sum appropriated to pay

SECTION

expenses of commissioners appointed under this act.

WHEREAS, This General Assembly has passed an act appointing a commission to purchase arms, accoutrements, etc., for the State of Arkansas; And whereas, In passing said act, no provision was made to pay such commissioners, though in the discharge of the duties imposed upon them by law, the commissioners must, of necessity, expend considerable amounts of money; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That a sufficient sum be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated by law, to defray the necessary expenses of said commissioners, incurred in the discharge of duties imposed by

law, and that the certificate of the governor, or either of the commissioners, to the effect that he has actually expended the sums mentioned in their respective accounts, in the discharge of the duties imposed upon him by law, shall be a sufficient authority for the auditor to issue his warrant on the treasury in payment of the same.

APPROVED, January 21st, 1861.

No. 180.

AN ACT for the relief of John J. Jackson.

SECTION 1. \$6,791 61 appropriated to John J. Jackson


Be it enacted by the General Assembly of the State of Arkansas, That the auditor be, and he is hereby directed and required to draw his warrant upon the treasurer, in favor of John J. Jackson, for the sum of six thousand, seven hundred and one dollars, and sixty-one cents, to be paid out of the swamp land fund for the Batesville district; the said sum being the amount still due and unpaid to the said Jackson for levee work done on Little Red river by him under contract No.—.

APPROVED, January 21st, 1861.

No. 181.

AN ACT for the benefit of S. E. Friar.

SECTION 1. Commissioner to sell certain lands.



Be it enacted by the General Assembly of the State of Arkansas, That the school commissioner of Lawrence county, be, and he is hereby authorized to sell at private sale, at the minimum price per acre, to S. E. Friar, the south-west quarter of the south-west quarter of section sixteen, in township seventeen north, of range three west, and take bond and security for the same according to existing laws, and that this act be in force from its passage.

APPROVED, January 21st, 1861.

No. 182.

AN ACT *to repeal the one hundred and sixty-eighth chapter of Gould's Digest.*

SECTION

1. Laws repealed authorizing the ap-

SECTION

pointment of a state geologist; act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That the law providing for the appointment of a geologist of this state, and for a geological survey of this state, as provided for by chapter one hundred and sixty-eight in Gould's Digest, be, and the same is hereby repealed; and that this act take effect and be in force from and after its passage.*

APPROVED, January 21st, 1861.

No. 183.

AN ACT *to amend section 72, of chapter 149, of Gould's Digest.*

SECTION

1. Section 72, of chapter 149, of Gould's Digest amended.

SECTION

2. Conflicting laws repealed, an act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That section seventy-two, of chapter one hundred and forty-nine, of Gould's Digest, be so amended, as to authorize the county court to levy a road tax for any township, on a petition of a majority of the taxable inhabitants residing therein.*

SEC. 3. *Be it further enacted, That all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed; and this act take effect from and after its passage.*

APPROVED, January 21st, 1861.

No. 184.

AN ACT *to repeal an act, entitled "an act to exempt the citizens living west of Red river, in Lafayette county, from serving on the grand and petit juries."*

SECTION

1. Act exempting certain persons from serving on juries, repealed.

SECTION

2. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That act No. 41, page 38, entitled an act to exempt the citizens living west of Red river, in Lafayette*



county, from serving on the grand and petit juries, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

APPROVED, January 21st, 1861.

No. 185.

AN ACT to provide for the election of an assessor of taxes in the counties of Ashley, Bradley, Yell, Phillips, Crawford, Madison, Polk, Fulton and Lawrence.

SECTION

1. Certain counties to elect tax assessors; to be commissioned.

SECTION

2. Assessors to give bond.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That there shall be elected in the counties of Ashley, Bradley, Yell, Phillips, Crawford, Madison, Polk, Fulton and Lawrence, at their general election, and at every general election thereafter, an assessor of taxes for each of said counties, who shall hold his office for two years and until his successor is elected, and qualified, and shall be commissioned by the governor.

SEC. 2. *Be it further enacted*, That before such assessor of taxes shall enter upon [the duties of] his office, he shall make and subscribe the affidavit now prescribed by law for assessors of taxes, which shall be indorsed upon his commission, and within the time prescribed by law for sheriff, after receiving his commission, enter into bond to the State of Arkansas, with sufficient security, in the penal sum of ten thousand dollars, conditioned that he will faithfully perform and discharge all the duties of said office.

APPROVED, January 21st, 1861.

No. 186.

AN ACT to authorize Elizabeth H. Smith, who is the wife of William S. Smith, to become the guardian of Elizabeth Thalia Crabtree.

SECTION

1. Elizabeth H. Smith allowed to become guardian of Elizabeth Thalia Crabtree, a minor.

SECTION

2. To give bond when appointed as such.
3. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Elizabeth H. Smith, who is the mother of Elizabeth Thalia Crabtree, be, and she is hereby authorized to be appointed guardian of the said Elizabeth Thalia Crabtree, minor heir and citizen of Randolph county.

SEC. 2. *Be it further enacted*, That the said Elizabeth H. Smith, be, and she is hereby permitted to be appointed by the Randolph county and probate court, guardian of the said Elizabeth Thalia Crabtree, by then and there executing the bond now required by law, made and provided for, and further binding herself to perform all and singular, the duties now required under the now existing laws governing the duties of guardians.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, January 21st, 1861.

No. 187.

AN ACT to provide for the election of a tax assessor for the county of Columbia.

SECTION

1. Mode of electing tax assessor.

SECTION

2. Assessor to be governed by existing laws; act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That hereafter the justice of the peace in each township of Columbia county, receiving the highest number of votes, shall be the tax assessor of said township.

SEC. 2. *Be it further enacted*, That said assessor when elected, shall be governed by existing laws; this act take effect in the year 1862.

APPROVED, January 21st, 1861.

No. 188.

AN ACT to incorporate the *Young Mens' Christian Association, of Camden, in the county of Ouachita.*

SECTION

1. Certain named persons incorporated by the style of "Young Mens' Christian Association," of Camden. Its objects.
2. Power of corporation to charter other associations.

SECTION

3. Powers of the corporation. Its object declared.
4. Right of corporation to hold or purchase property.
5. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Edward A. Warren, jr., D. J. Allen, Washington Board, Hope S. Hardnett, George H. Stinson, D. N. Allen, H. W. Brune, J. J. Harper, J. M. Pace, B. B. Ward, W. H. Scales, C. C. Scott, W. N. Haney, M. A. Bowles, J. F. Allen, J. G. Ratcliffe, F. S. Scott, S. H. Southerland, Adam Clark, Henry Cleaner, J. B. Wilson, J. R. McKee, H. A. Hill, and Frank Clark, and their associates, be, and they are hereby constituted a body politic and corporate, to be known by the name and style of the "Young Men's Christian Association, of Camden," and by that name shall have succession for ninety-nine years, and a common seal, and to do and perform all other acts

and things necessary to carry out the objects of such association, not inconsistent with the laws or constitution of this state.

SEC. 2. *Be it further enacted*, That such association may have power to charter subordinate associations of a like character, with the like powers, in any part of the state.

SEC. 3. *Be it further enacted*, That the association created by the first section hereof, be empowered, and they are hereby empowered to pass and adopt such constitution, by-laws, rules and regulations for their own government, and for the government of associations subordinate thereto, as may be necessary for their government, and to carry out the objects of such association, which are hereby declared to be to promote the moral and intellectual improvement of its members.

SEC. 4. *Be it further enacted*, That such association may hold, by purchase or otherwise, any property, real, personal, or mixed, not to exceed fifteen thousand dollars.

SEC. 5. *Be it further enacted*, That this act have effect and be in force from and after its passage.

APPROVED, January 21st, 1861.

No. 189.

AN ACT for the benefit of Cane Hill College, and Cane Hill Seminary, in Washington county.

SECTION

1. Persons prohibited from selling spirituous liquors within three miles of Cane Hill College and Seminary.
2. Penalty for violation of this act.

SECTION

3. Not to apply to practicing physicians.
Act in force from the first Monday in March, 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That it shall not be lawful for any person

to sell, barter, or exchange any vinous or ardent spirit in any quantities whatever, within three miles of Cane Hill College, and Cane Hill Female Seminary, in the county of Washington, and state aforesaid.

SEC. 2. *Be it further enacted*, That any person who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in any sum not less than fifty, nor more than two hundred dollars; every single or separate offence is hereby declared a violation of this act, and shall be so punished.

SEC. 3. *Be it further enacted*, That this act is not intended to apply to any practicing physician, who may sell ardent spirits strictly for medicinal purposes; and this act to take effect and be in force from and after the first Monday in March, eighteen hundred and sixty-one.

APPROVED, January 21, 1861.

No. 190.

AN ACT to incorporate the Pine Bluff Water Works Company.

SECTION

1. Certain persons named incorporated by the style of "The Pine Bluff Water Works Company." Charter to continue 99 years. Powers of the company.
2. Capital stock \$25,000—may be increased to \$50,000. Shares \$100 each. When to organize. May issue bonds not beyond stock subscribed.
3. To be under control of not less than three directors. Vacancies, how filled.
5. Board to elect president and other officers.

SECTION

5. Powers of the board in relation to stock subscribed.
6. City of Pine Bluff authorized to subscribe for stock. May issue bonds to secure payment, at 8 per cent. interest.
7. When city entitled to director.
8. Company not to contract liabilities binding individual stockholders beyond amount of stock.
9. Stock of company personal property.
10. Penalty of injuring property of company.
11. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That Josiah Snow, James Katchum, and William D. Snow, and their associates and assignees, are hereby created a corporation and body politic, for the erection of a water works in the city of Pine Bluff, under the name of the "Pine Bluff Water Works Company," with succession for ninety-nine years; and by such name shall be capable to sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction; and shall have power to make and use a common seal, the same to alter and renew at pleasure; to buy and sell, hold and convey real and personal estate, necessary to carry out the objects and purposes of this charter, or in the securing or collection of debts; to make contracts and enforce the same, and to establish and put in full force such by-laws, rules and regulations as may be necessary and proper to carry into effect the provisions of this act; and shall have all the powers incident to corporations at common law, not inconsistent with the laws of this state. And the company is hereby vested with all the powers, privileges and immunities which are, or may be, necessary to carry into effect the purposes and objects of this act, and the said company is hereby authorized and empowered to purchase and hold all the real estate necessary for the erection of the water works, tanks, reservoirs; buildings, offices, machinery and outbuildings.

Sec. 2. *Be it further enacted,* That the capital stock of the company shall be twenty-five thousand dollars, with the privilege, at any time, to increase it to fifty thousand dollars, by a vote of the board of directors; said stock to be divided into shares of one hundred dollars each, and whenever stock to the amount of five thousand dollars is subscribed for, the company may be organized and legally proceed to business. The company is hereby authorized, should it be deemed expedient by the board of directors, to issue bonds, bearing interest, in a sum not less than two hundred and fifty dollars, payable at times after date, and in amount not to exceed the capital stock sub-

scribed and paid in, for the purchase of the real estate, engines, machinery, pipe or other fixtures.

SEC. 3. *Be it further enacted*, That the affairs of the company shall be under the management of not less than three directors, to be chosen from among the stockholders, who shall hold their offices for one year from the date of the organization of said company, or until an election shall have been made to fill their places. In case of death or resignation of any one or more of said directors, their places may be filled by a majority of the remaining members of the board of directors, and such director so elected, shall hold his office until the next annual meeting of the stockholders.

SEC. 4. *Be it further enacted*, That said board of directors shall elect one of their number as president, whose official acts will be binding upon the company, and shall also elect one of their body treasurer, and appoint a treasurer; the duties of the offices to be defined in the by-laws of the company.

SEC. 5. *Be it further enacted*, That said company shall have full power and authority, through their board of directors, to make calls for payments, in installments, upon the subscribers to the stock of said company, at any time that they may deem necessary, through the treasurer of said company, and in default of payment, or payments so ordered, the subscribing stockholder or holders neglecting to make said payments, shall be liable to be dealt with, according to the by-laws of said company.

SEC. 6. *Be it further enacted*, That the city of Pine Bluff is hereby fully empowered and authorized, through its board of aldermen, to subscribe to the capital stock of said water works company, for an amount not exceeding fifteen thousand dollars, and to issue bonds for the same, with coupons attached, for annual interest of eight per centum; said bonds to be payable at times the board of directors may agree upon, when issued; for the payment of the annual interest on said bonds, the board of aldermen are hereby authorized to pay the same out of any corporation, or other funds not specially appropriated to any other purpose, and to levy money, by taxation, to pay said

interest, and also, to levy money, by taxation, to pay said bonds issued for said stock, when they become due and payable.

SEC. 7. *Be it further enacted*, That in case the city of Pine Bluff subscribes for stock in said company, the said city shall be entitled to a director in said water works company, the said director to be appointed by the board of aldermen of said city.

SEC. 8. *Be it further enacted*, That no officer of the company, or board of directors, shall contract any liabilities binding on the individual stockholders of the company beyond the amount of stock he or they may subscribe, nor upon the city of Pine Bluff, in case it becomes a stockholder.

SEC. 9. *Be it further enacted*, That the stock of this company shall be considered personal property.

SEC. 10. *Be it further enacted*, That any person found guilty of injuring, cutting, or in any way damaging the pipes of the company, shall pay a fine of not less than three hundred dollars, and be imprisoned not less than three months, and pay all damages sustained thereby.

SEC. 11. *Be it further enacted*, That this act shall take effect from and after its passage.

APPROVED, January 21st, 1861.

No. 191.

AN ACT to pay the judge of the probate and county courts of Ashley, Pulaski, Hempstead and Jackson counties, Arkansas, a regular salary per annum.

SECTION

1. Salary to county and probate judges in certain counties.

SECTION

2. Act to be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State*

of Arkansas, That the presiding judge of the probate and county courts of Ashley, Pulaski, Hempstead and Jackson counties, be allowed the sum of four hundred dollars per annum, to be paid quarterly, out of the treasury of said counties, as a full compensation for his services.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after the first of January, 1861.

APPROVED, January 21st, 1861.

No. 192.

AN ACT to appropriate money for the purpose of arming the militia of this state, when formed into volunteer military companies, and for other purposes.

SECTION

1. \$100,000 appropriated to arm the militia of the state.
2. Arms to be delivered to new companies.

SECTION

3. To prevent arms from waste and damage.
4. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the sum of one hundred thousand dollars, be, and the same is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the purchase of arms for the use of the volunteer militia of this state, in the manner following: Thomas J. Churchill, and Christopher C. Danley, be, and they are hereby appointed commissioners for the state, to act in conjunction with the governor, whose duty it shall be to ascertain and determine the kind of arms, accoutrements, and munitions of war that may be necessary for arming the militia of the state, and to proceed, by themselves or by an agent, to be by them appointed, to purchase the required arms, accoutrements, and munitions of war, keeping in view the interests of the

state by purchasing the best articles for the least amount of money, and payment for said arms shall be made upon the joint certificate of said commissioners, and the certificate of the governor that said arms and other matters, have been received by him or by a proper agent of the state.

SEC. 2. Whenever the several colonels or captains, or any of them, shall notify the governor that a volunteer company of not less than fifty men, including the commissioned and non-commissioned officers, has been formed and organized, he shall be, and he is hereby required to cause to be delivered to every such colonel, or captain, arms and accoutrements suitable to such company so formed and organized.

SEC. 3. In order to secure the said arms and accoutrements from waste, and to provide against any losses to the state, said arms, when purchased, shall be under the control of the governor, and that each colonel or captain, of an independent company, upon the receipt of any arms for any volunteer company under his command, shall enter into a bond to the State of Arkansas, in the full value of said arms and accoutrements, conditioned for the safe keeping and return of the same, in case the said volunteer company should, from any cause, disband.

SEC. 4. This act shall be in force from its passage.

APPROVED, January 21st, 1861.

No. 193.

AN ACT to grant pre-emptors upon the swamp lands in this state.

SECTION.

1. How pre-emptions secured to swamp lands.

SECTION

2. Duty of swamp land agents.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all persons who have heretofore entered, or who shall hereafter enter any of the swamp and overflowed land of this state, at any of the United States land offices, which lands have been, or shall hereafter be confirmed to this state, shall, upon filing proof of such entry, with the land agent of the district in which such land is situate, have the pre-emption right to enter the same at the minimum price paid by law, for the space of sixty days from the date of the notice required to be given by the land agents, in chapter one hundred and one, article six, page seven hundred and seventeen, of the Digest; *Provided*, That such entry shall not embrace the settlement or improvement of any person who has settled upon or improved any such swamp and overflowed lands of the state.

SEC. 2. *Be it further enacted*, That it shall be the duty of the several land agents, immediately after any confirmation of swamp and overflowed lands to examine the record in said United States land office, in their respective districts, and all such confirmed swamp and overflowed lands as may have been entered in the United States land office, shall be reserved from sale by said land agents, for the period of sixty days, and they shall forthwith publish a complete list of the numbers of such lands, for two weeks successively, in some newspaper published in their respective districts, notifying the parties interested that unless such lands are properly entered in the state land office, within the time above mentioned, the same will be sold as now provided by law.

APPROVED, January 21st, 1861.

No. 194.

AN ACT to grant a charter to Thomas Couch of Jackson county, for a turnpike or graded turnpike road in the southern portion of Jackson county.

SECTION

1. Charter granted Thomas Couch to build bridge across Cache river.
2. When he may collect tolls.
3. To complete road in two years.

SECTION

4. Not entitled to tolls till road completed.
5. County court to regulate rates of toll.
6. Act in force from passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Thomas Couch, he, and he is hereby granted a charter to build a bridge across Cache river, at Beard's bridge and bayou Devieu, at said Thomas Couch's ferry, thence in a direct or nearest and best route to the military road, running through said territory.

SEC. 2. *Be it further enacted*, That the said Thomas Couch shall, before he shall collect any tolls for traveling on said road, shall complete and put in order said road, according to the provisions of the first section in this bill.

SEC. 3. *Be it further enacted*, That said Thomas Couch shall be, and he is hereby required to complete said road within two years from the passage of this act.

SEC. 4. *Be it further enacted*, That the said Thomas Couch shall not be entitled to any tolls until said road shall be completed its full distance, and in accordance with the provisions of the first section of this bill.

SEC. 5. *Be it further enacted*, That the county court of Jackson county, shall fix, by order of said court, the rates of tollage, and if the said Thomas Couch shall charge a greater amount of tollage than fixed by said court, he shall be deemed guilty of a misdemeanor, and upon conviction shall be find in any sum not less than twenty-five dollars, and not more than five hundred; and further, that this charter shall be granted for the term of twenty-five years.

SEC. 6. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, January 21st, 1861.

No. 195.

AN ACT for the benefit of Rocky Comfort Academy, in the county of Sevier.

SECTION

1. No liquor to be sold within two miles of academy.

SECTION

2. Penalty for violating provisions of first section.
3. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That it shall not be lawful for any person to sell, barter, or exchange any vinous or ardent spirits in any quantity whatever, within two miles of the Rocky Comfort Academy, in the county of Sevier in said state.

SEC. 2. *Be it further enacted*, That any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in any sum not less than fifty dollars, nor more than two hundred dollars, and every single and separate offence is hereby declared to be a violation of this act.

SEC. 3. This act shall be in force from and after the first day of March, 1861.

APPROVED, January 21st, 1861.

No. 196.

AN ACT to exempt family grave yards and public burial places from taxation and execution.

SECTION

1. Family grave yards exempt from taxation.

SECTION

2. Duty of clerk when description filed.
3. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That hereafter, whenever there shall be filed in the clerk's office, of the proper county, a description of the metes and bounds of any family grave yard or public burial place, designated thereby to be exempted from taxation, said land or burial place, shall be free and exempt from taxation; *Provided*, That not more than five acres shall be so exempted.

SEC. 2. The clerk and recorder of deeds of the proper county, when any description of a burial place as above defined, shall be filed in his office, shall make a record of the same in the record of deeds, which shall be sufficient to exempt said land or burial place, not only from taxation, but also from execution.

SEC. 3. That this act take effect from and after its passage.

APPROVED, January 21st, 1861.

No. 197.

AN ACT to attach a portion of the county of Desha to the county of Drew.

SECTION

1. Part of Desha attached to Drew county.
2. Process issued from courts in Desha county previous to 1st March, 1861,

SECTION

- valid. Sheriff of Desha allowed five years to collect taxes.
3. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all that portion of the county of Desha which includes township eleven south of range five and six west, township ten, south of range five and six west, and township nine, south of range five and six west, the north-west quarter of section thirty-one, township eleven south, range four west, be, and the same is hereby attached to the county of Drew.

SEC. 2. *Be it further enacted*, That all and every process which has been issued, or may issue from the clerk of any of the courts of Desha county, previous to the first day of March, 1861, shall have full force and effect, and be returnable, as now directed by law, and the sheriff and collector of Desha county, shall have full power and authority for the space of five months from the passage of this act to collect any arrearages of taxes that may be due, in the manner prescribed by law.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, January 21st, 1861.

No. 198.

AN ACT to regulate the time for holding the various Circuit Courts in this State, and for other purposes.

SECTION

1. Courts when held in first circuit.
2. Courts when held in second circuit.
3. Courts when held in third circuit.
4. Courts when held in fourth circuit.
5. Courts when held in fifth circuit.
6. Courts when held in sixth circuit.
7. Courts when held in seventh circuit.

SECTION

8. Courts when held in eighth circuit.
 9. Courts when held in ninth circuit.
 10. Courts to remain in session, how long.
 11. Conflicting laws repealed.
- Act in force from and after 1st July, 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the courts in and for the first judicial district or circuit of the state, shall hereafter be held in their respective counties at the following times, to-wit:

In the county of Monroe, on the second Monday in March and September.

In the county of St. Francis, at Cotton Plant, on the fourth Monday in March and September, and at Madison on the first Monday after the fourth Monday in March and September.

In the county of Poinsett, on the second Monday after the fourth Monday in March and September.

In the county of Crittenden, on the first Monday in May and November.

In the county of Mississippi, on the third Monday of May and November; and

In the county of Phillips, on the second Monday after the third Monday in May and November.

Sec. 2. The circuit courts in the second judicial circuit shall be held, in the respective counties in said circuit, at the following times, to-wit:

In the county of Bradley, on the second Mondays of March and September.

In the county of Ashley, on the third Mondays of March and September.

In the county of Drew, on the first Mondays after the fourth Mondays of March and September.

In the county of Chicot, on the third Mondays after the fourth Mondays in March and September.

In the county of Desha, on the fifth Mondays after the fourth Mondays in March and September.

In the county of Arkansas, on the seventh Mondays after the fourth Mondays in March and September.

In the county of Jefferson, on the ninth Mondays after the fourth Mondays in March and September.

SEC. 3. The circuit courts in the third judicial circuit shall be held, in the respective counties in said circuit, at the following times, to-wit:

In the county of Craighead, on the first Mondays in April and September.

In the county of Greene, on the third Mondays of March and September.

In the county of Randolph, on the third Mondays of May and November.

In the county of Lawrence, on the first Mondays of May and November.

In the county of Jackson, at Augusta, on the third Mondays in April and October; and at Jacksonport on the second Mondays after third Mondays of April and October.

Sec. 4. The circuit courts of the fourth judicial circuit shall be held, in the respective counties in said circuit, at the following times, to-wit:

In the county of Perry, on the first Monday of March and September.

In the county of Yell, on the second Mondays in March and September.

In the county of Pope, on the fourth Mondays of March and September.

In the county of Johnson, on the second Monday after the fourth Monday of March and September.

In the county of Franklin, on the fourth Mondays after the fourth Mondays in March and September; and

In the county of Crawford, on the sixth Mondays after the fourth Mondays in March and September.

Sec. 5. The circuit courts of the fifth judicial circuit shall be held, in the respective counties in said circuit, at the following times, to-wit:

In the county of Conway, on the first Mondays of February and August.

In the county of Prairie, on the third Mondays of February and August.

In the county of Dallas, on the first Mondays after the fourth Mondays in February and August.

In the county of Hot Spring, on the second Mondays after the fourth Mondays in February and August.

In the county of Saline, on the third Mondays after the fourth Mondays in February and August; and

In the county of Pulaski, on the fourth Mondays after the fourth Mondays in February and August.

SEC. 6. The circuit courts in the sixth judicial circuit shall be held, in the respective counties in said circuit, at the following times, to-wit:

In the county of Calhoun, on the last Mondays of March and September.

In the county of Union, on the first Mondays of April and October.

In the county of Columbia, on the fourth Mondays of April and October.

In the county of Lafayette, on the third Mondays after the fourth Mondays in April and October.

In the county of Hempstead, on the fifth Mondays after the fourth Mondays in April and October; and

In the county of Ouachita, on the eighth Monday after the fourth Monday in April and October.

SEC. 7. The circuit courts in and for the seventh judicial circuit shall be held, in the respective counties in said circuit, at the following times, to-wit:

In the county of Fulton, on the second Mondays in March and September.

In the county of Izard, on the third Monday in March and September.

In the county of Searcy on the first Mondays after the fourth Mondays in March and September.

In the county of Van Buren, on the second Mondays after the fourth Mondays in March and September.

In the county of White, on the fourth Mondays after the fourth Mondays in March and September.

In the county of Independence, on the sixth Mondays after the fourth Mondays in March and September.

SEC. 8. The circuit courts in the eighth judicial circuit, shall be held, in the respective counties in said circuit, at the following times and places, to-wit:

In the county of Washington, on the first Mondays of February and August.

In the county of Benton, on the fourth Mondays after the first Mondays in February and August.

In the county of Madison, on the sixth Mondays after the first Mondays in February and August.

In the county of Carroll, on the eighth Mondays after the first Mondays of February and August.

In the county of Newton, on the tenth Mondays after the first Mondays of February and August; and

In the county of Marion, on the eleventh Mondays after the first Mondays in February and August.

SEC. 9. The circuit courts in the ninth judicial circuit shall be held, in the respective counties in said circuit, at the following times, to-wit:

In the county of Montgomery, on the last Mondays of January and July.

In the county of Clark, on the second Mondays of February and August.

In the county of Pike, on the fourth Mondays of February and August.

In the county of Sevier, on the first Mondays after the fourth Mondays in February and August.

In the county of Polk, on the fourth Mondays after the fourth Mondays in February and August.

In the county of Scott, on the fifth Mondays after the fourth Mondays in February and August.

In the county of Sebastian, on the sixth Mondays after the fourth Mondays in February and August.

SEC. 10. Each of the circuit courts shall continue in session at each and every term thereof, until the business therein pending is disposed of, or until it becomes necessary for the judge thereof to adjourn the same in order to reach the court next to be holden in his circuit.

SEC. 11. *Be it further enacted*, That all laws or parts of laws in conflict or in consonant herewith, be, and the same is, hereby repealed, and that this act take effect from and after the first day of July, eighteen hundred and sixty-one.

APPROVED January 21st, 1861.

No. 199.

AN ACT for the relief of James W. Finley.

SECTION

1. Auditor to draw warrant on treasurer.

SECTION

2. \$190 appropriated to pay warrant.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the auditor be, and he is, hereby directed to draw his warrant upon the treasurer, in favor of the said James W. Finley, for the sum of one hundred dollars, for his services in the supreme court, as special attorney general, in the case of the State of Arkansas versus Mary Hazle.

SEC. 2. *Be it further enacted*, That the sum of one hundred dollars be appropriated, out of any moneys in the treasury not otherwise appropriated, to pay said warrant.

APPROVED, January 21st, 1861.

No. 200.

AN ACT to authorize the State Treasurer to refund certain taxes, and for other purposes.

SECTION

1. Certain taxes refunded to common school commissioners. Auditor to certify amount to treasurer.

SECTION

2. Common school commissioner to pay amount over to township trustees.
3. Act in force from passage.

WHEREAS, By the laws of this state, the tax collectors are required to pay the tax assessed on the ~~sixteenth~~ sections, when collected, to the proper authorities, for the support of common

schools in their respective counties; and whereas, in many of the counties the collectors have failed to do so. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That, in all cases, where the tax collectors have failed to pay over to the common school commissioners, or other persons authorized to receive the same, in their respective counties, the taxes assessed and collected on the sixteenth sections, but have paid the same into the state treasury, the auditor of the state, upon application and satisfactory evidence being produced to him by the proper authorities of any county, that said taxes have been paid into the state treasury, shall certify the same to the state treasurer, upon which certificate the state treasurer shall pay over to the person so authorized to receive the same, the amount so certified by the auditor.

SEC. 2. *Be it further enacted*, That the common school commissioner, or other person authorized so to do by law, shall pay over the amount, so refunded by the state treasurer, to the trustees of the townships in which the sixteenth sections are situated in their respective counties, in proportion as the same has been collected from each of said sixteenth sections.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

APPROVED, January 21st, 1861.

No. 201.

AN ACT to revive the act incorporating the Perkins Institute, in the town of Smithville, in Lawrence county, which was approved January 18th, 1855.

SECTION 1. Perkins Institute revived from act of January 18th, 1855.

Be it enacted by the General Assembly of the State of Arkansas, That the act entitled "an act to incorporate the Perkins Institute, in the town of Smithville, in Lawrence county," which was approved on the 18th of January, 1855, be, and the same is hereby revived and put in force, and the powers there granted, be conferred on the following persons and their successors, in lieu of those named in section three of said act, to-wit: William H. Campbell, Carney C. Straughan, Lazarus W. Robertson, Edward Holt and Andrew J. Raney.

APPROVED, January 21st, 1861.

No. 202.

AN ACT to increase the compensation of the associate justices of the county courts of Randolph and Greene counties.

SECTION

1. Compensation of associate justices of county courts of Randolph and Greene counties.

SECTION

2. How paid.
3. When in force.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the associate justices of the county courts of Randolph and Greene counties, shall be entitled to receive the sum of four dollars each per day, for every day they may be engaged in holding the county courts of said counties.

SEC. 2. *Be it further enacted,* That the per diem pay of said associate justices shall be paid out of any moneys in the county treasury not otherwise appropriated.

SEC. 3. *Be it further enacted,* That this act take effect and be in force from and after its passage.

APPROVED, January 21st, 1861.

No. 203.

AN ACT for the relief of William Gipson, Sheriff of Scott county.

WHEREAS, William Gipson, sheriff of Scott county, in consequence of sickness, failed to file his affidavit as assessor and collector of the revenue according to law; therefore

Be it enacted by the General Assembly of the State of Arkansas, That said sheriff have until the tenth day of March, 1861, to file bond and his affidavit as assessor and collector, and when so filed, the same shall be as valid as if they had been filed according to law.

APPROVED, January 21st, 1861.

No. 204.

AN ACT for the relief of John W. Williams, of Hempstead county, Arkansas.

SECTION

1. \$38 40 appropriated for relief of John W. Williams.
2. Auditor to draw warrant; treasurer

SECTION

to pay same; act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the sum of thirty-eight dollars and forty cents, be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to John W. Williams, of Hempstead county, which amount of money was paid by said John W. Williams, as taxes on state bank lands.

SEC. 2. *Be it further enacted,* That the auditor is hereby required to draw his warrant on the treasurer for the amount

aforesaid, in favor of said John W. Williams; and that this act take effect and be in force from and after its passage.

APPROVED, January 21st, 1861.

No. 205.

AN ACT to amend the charter incorporating the town of Greenwood, in Sebastian county.

SECTION 1. Corporate limits extended.

Be it enacted by the General Assembly of the State of Arkansas, That the limits of the corporation of the town of Greenwood, be extended so as to include within the limits of said corporation, Clark and Burton's addition to said town; and, also Clark and Paine's addition to said town, according to the plat and plan of said additions now on file in the clerk's office of said county.

APPROVED, January 21st, 1861.

No. 206.

AN ACT to prevent the sale of ardent spirits within two miles of the Masonic hall and Baptist church, in the town of Troy, in Drew county.

SECTION 1. Penalty for selling liquors in town of Troy

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That if any person shall sell any vinous liquors or ardent spirits, in any quantities, except for medicinal or sacramental purposes, within two miles of the Masonic hall and the Baptist church, in the town of Troy, in Drew county, in this state, such person shall be deemed guilty of a misdemeanor for each offence, and upon indictment and conviction, as in other cases of misdemeanor, shall be fined in any sum not to exceed twenty dollars and costs.*

APPROVED, January 21st, 1861.

No. 207.

AN ACT for the benefit of *St. John's College.*

SECTION 1. Geological specimens and miscellaneous books in secretary's office, given to St. John's College.

Be it enacted by the General Assembly of the State of Arkansas, That the geological and mineralogical specimens on deposit in the office of the secretary of state, be turned over to Saint John's College, and placed in its cabinet, for the use of the faculty, students and others, and that the miscellaneous books on deposit in the office of the secretary of state, be turned over to the said college, to be placed in their library for the use of the faculty, students and others; Provided, That said college shall return the whole of said books and specimens hereby deposited with them, when called for by the state officers.

APPROVED, January 21st, 1861.

No. 208.

AN ACT to incorporate the *Factory Fire Company*, of *Royston*, in *Pike county*, *Arkansas*, and to regulate the same.

SECTION

1. Incorporation of company.
2. When to purchase an engine.
3. Limitation of powers of corporation to contract debts.

SECTION

4. Numbers of corporation limited to 12.
5. Duration of corporation.
6. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Enos W. Scarboro, William W. Bell, Henry Merrill, Charles A. Magill, John Garrison, John Bell, Elijah Williams, William J. Brewer, Gabriel Oliver, Newcomb Oliver, William Kimbro and J. Y. Glover, with their successors in this company, be, and are hereby made and established a body politic and corporate, by the name of "The Factory Fire Company, of Royston, in Pike county," for the purpose of extinguishing fires that may hereafter threaten the destruction of property in and about the village of Royston, and to rescue said property from destruction by fire.

SEC. 2. *Be it further enacted*, That within three months from and after the passage of this act, the said fire company shall be provided with a fire engine, the same to be purchased and kept in order, without expense to the state or the county where it is located.

SEC. 3. *Be it further enacted*, That the company shall have no power to contract debts other than, as private individuals, and not as a corporation.

SEC. 4. *Be it further enacted*, That the number of corporate members shall, at no time, exceed the original number of twelve; that they shall be governed by rules and by-laws, to be made among themselves, the same not to infringe the laws of this state; and that the said members and their successors, while acting members of the said fire company, shall be exempt from military duty, to a number not exceeding the twelve members at one time.

SEC. 5. *Be it further enacted*, That this act shall continue in force during the term of twenty years from and after its passage.

SEC. 4. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

APPROVED, January 21st, 1861.

No. 209.

AN ACT *conferring certain powers upon the court of Crittenden and Mississippi counties:*

SECTION 1. County courts may appropriate internal improvement fund for levee purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the county courts of Crittenden and Mississippi counties may appropriate the internal improvement fund of said counties for levee purposes, or merge the same in the levee fund of said counties, and may provide, at its option, for the repayment of any sum to said internal improvement fund; and this act shall be in force from and after its passage.

APPROVED, January 21st, 1861.

No. 210.

AN ACT for the protection of telegraph lines in the State of
Arkansas.

SECTION

1. Penalty for injuring telegraph lines.
2. Telegraph lines to convey public messages in time of disturbances at the usual price.
3. In what order communications to be sent.

SECTION

4. Operators responsible for violating section three.
5. Telegraph companies to set up their fixtures along roads or streets.
6. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That if any person shall, willfully and intentionally destroy, injure or obstruct any of the telegraph lines that are now in operation, are being constructed, or that may hereafter be constructed, in the State of Arkansas, or any of the materials thereof, shall be subject to indictment, and on conviction thereof, shall be fined in a sum not less than two hundred dollars, and imprisoned for not less than six months, and pay the owners of said line all the damages sustained thereby.*

SEC. 2. *Be it further enacted, That the telegraph companies now, or which may hereafter be, in existence in this state, shall, on application of any of the officers of this state, in the event of war, insurrection, or any resistance of public authority, or in case of the commission of any crime, and the person charged therewith, or suspected thereof, shall attempt to escape, give to the communications of such officers immediate dispatch, and for the transmission of the same, the company shall charge the same price as for other communications:*

SEC. 3. *Be it further enacted, That all communications shall be transmitted in the order they may be received, except those mentioned in the preceding section, which [shall] always be first transmitted, upon the payment of the price fixed by the company, and in case of failure or refusal to transmit communications as herein provided; the operator or manager of the office where the same is left, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty, nor*

more than fifty dollars, and the company shall be liable for all damages that may be sustained by such failure or refusal.

SEC. 4. *Be it further enacted*, That where two or more telegraph companies have an office, or offices, in the same place, they shall, in all respects, be governed by the provisions of this act in the transmission of communications for each other, and in case of failure or refusal to comply with the same, the operator or manager of the office, and the company, so failing or refusing, shall be held responsible as provided in section three of this act.

SEC. 5. *Be it further enacted*, That any telegraph company shall have power to set up their fixtures along and across any of the roads, streets, or waters of this state, provided they do not obstruct the same.

SEC. 6. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

APPROVED, January 21st, 1861.

No. 211.

AN ACT for the relief of Jesse Wells.

SECTION 1. Sum of ninety dollars appropriated to Jesse Wells.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the sum of ninety dollars be, and the same is hereby appropriated out of any money in the treasury, to refund to Jesse Wells certain moneys paid by him to the state, for lands erroneously sold to him by the auditor of state, as also for lands erroneously sold to the said Wells by the sheriff of Lawrence county, for non-payment of taxes, as also for taxes

paid on said lands, as evidence by the deeds, certificates, and receipts accompanying this bill.

APPROVED, January 21st, 1861.

No. 212.

AN ACT concerning slaughter houses and butchers in the cities of Little Rock, Camden, Washington, Fort Smith, Jacksonport, Batesville and Van Buren, and to promote the health of said cities, and for other purposes.

SECTION

1. To keep slaughter houses within certain distances of certain towns made indictable.
2. Each day of keeping such a separate offence.
3. Such houses to be abated as nuisances.
5. Indictable to kill and sell any animal not sound and healthy.

SECTION

6. Masters and hirers answerable for any of the above offences committed by slave.
7. Imprisonment for non-payment of fines on conviction for said offences.
8. Appeals and writs of error may lie in these as in other criminal cases.

SECTION 1 *Be it enacted by the General Assembly of the State of Arkansas, That every person who shall erect, Build, use, keep, or maintain any house, tenement, shed, building, pen, or enclosure, within the cities of Little Rock, Camden, Washington, Fort Smith, Jacksonport, Batesville, or Van Buren, or within half a mile of the incorporated limits of either of said cities, as now established, or as may hereafter be established, for the purpose of butchering, killing, or slaughtering any sheep, hogs, pigs, bulls, oxen, cows, steers, calves, or any neat cattle, and shall execute such purpose by butchering, killing or slaughtering any of said animals therein, with the intent to vend, offer for sale, or sell the flesh, meats or hides thereof, or shall carry on, or engage in the business of butchering or slaughtering any of the said*

animals, within the limits aforesaid, shall be subject to a fine of not less than one hundred dollars, nor more than three hundred dollars, to be recovered by indictment in the circuit court of the counties in which said cities may be situated.

SEC. 2. Each day of butchering or slaughtering, as aforesaid, shall be taken and held to be a separate and distinct offence, and punished as in the foregoing section, either upon separate indictments, or separate counts in the same indictment, on which respectively the fine shall be assessed.

SEC. 3. In case of conviction, the circuit court, in addition to the above penalty, shall also grant an order, as part of the judgment, that any such house, tenement, shed, building, pen, or enclosure, within the said cities, or either of them, or within the limits aforesaid, used in butchering or slaughtering, as aforesaid, be immediately destroyed, and abated as a nuisance prejudicial to health, and which order shall be executed by the sheriff of the county, who may summon the *posse comitatus* for that purpose, if necessary, and the costs and expenses thereof shall be taxed against, and paid by the person convicted as a part of the costs of the proceedings.

SEC. 4. All houses or places in Pulaski, Ouachita, Hempstead, Sebastian, Jackson, Independence, and Crawford counties, beyond the limits aforesaid, used for butchering or slaughtering animals aforesaid, shall, at all times, be kept well cleansed, so as not to be offensive, or become a nuisance, and if they shall at any time become offensive, the owner, keeper, or user thereof, shall be fined not less than ten, nor more than one hundred dollars, on indictment in the circuit court of the proper county, and an order shall be granted for the abatement of the nuisance, and executed as in the preceding section specified.

SEC. 5. If any person shall, within either of said counties, butcher or slaughter any of said animals, when they are sick, or afflicted with any malady, and shall offer, sell, or give the flesh thereof, or shall offer, sell, or give away any meat, or flesh, when the same is tainted, or spoiled, or corrupt, or shall offer, sell, or give away the flesh of any of said animals, when

such animals have died a natural death, or by disease or accident, the person so offending shall be subject to indictment in the circuit court of the proper county, and, on conviction, be fined not less than fifty, nor more than two hundred dollars, for each offence.

SEC. 6. If any of the before named offences shall be committed by a slave, the master, mistress, or hirer having the control of such slave shall be answerable under this act for the fines aforesaid.

SEC. 7. The party convicted shall, in all cases, remain actually imprisoned in the jail of the proper county until the fines and costs are fully paid, nor shall a discharge be granted under the insolvent laws of this state, until after the expiration of six month's imprisonment.

SEC. 8. Appeals and writs of error shall lie in these as in other criminal cases, and this act shall be given in charge to the grand juries of the aforesaid counties, and shall be in force from its passage.

APPROVED, January 21st, 1861.

No. 213.

AN ACT for the relief of James Brodie, of Crawford county.

SECTION

1. One hundred and sixty dollars ordered to be refunded to said

SECTION

Brodie.

2. To take effect immediately.

WHEREAS, It is represented to this General Assembly that James Brodie a citizen of the county of Crawford emigrated from the State of Kentucky to said county, in the early part of the year eighteen hundred and fifty-six, and soon after pur-

chased of the state land agent at Clarksville, one hundred and sixty acres of seminary land, to-wit: the south-east quarter of section thirty-two, township nine north, range thirty west, for which he paid ready money, and for which tract of land the governor executed to the said Brodie, in the year eighteen hundred and fifty-six, a deed; and whereas, afterwards, on the seventeenth day of April, eighteen hundred and fifty-seven, the said James Brodie being desirous of procuring a situation upon which to build, purchased of William Adams, then state land agent for the Clarksville district, eighty acres of seminary land, to-wit: the east half of the north-west quarter of section thirty-two, township nine north, range thirty west, lying north-west, and cornering with the south-east quarter previously purchased, for which the said Adams, land agent as aforesaid, executed to the said Brodie a certificate of purchase, counseling and advising him at the time, that by paying the purchase money, one hundred and sixty dollars, he would thereby save much trouble, and secure a deed for said eighty acres of land without delay. Being unacquainted with the law regulating the sale of seminary lands, and acting upon the assurance of the land agent, not doubting the legality of the purchase nor the certainty of the execution of a deed to him for said land, under these considerations, he built dwelling houses, out houses, and otherwise improved the last mentioned tract of land, intending to cultivate the one hundred and sixty acres, cornering with the eighty so improved; and whereas, since the sale of the eighty acres herein mentioned, William Adams, state land agent, departed this life, without recording or making any mention of said sale upon the books of the Clarksville land office, or making any return of the same to the state auditor, thereby leaving said land open to entry, and it appearing that Charles A. Carroll has since entered said land, and on account of the default of said Adams, the improvements and land are both lost to said Brodie. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That the sum of one hundred and sixty dollars, with interest from the seventeenth day of April, eighteen hun-*

dred and fifty-seven, at the rate of six per centum per annum, be; and the same is hereby appropriated out of any money in the treasury of the seminary fund, not otherwise appropriated, to the payment and refunding to the said Brodie the sum of one hundred and sixty dollars, with interest as aforesaid, and that the auditor draw his warrant on the state treasurer in favor of said Brodie for said sum.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, January 21st, 1861.

No. 214.

AN ACT to further define the duty of the grand jury of the county of Columbia and for other purposes.

SECTION

1. Grand jury to examine public records of Columbia county.
2. To find bills against officers not

SECTION

- keeping correct records.
3. Penalty for violating this act.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That it shall be the duty of the grand jury of the county of Columbia, at the spring term of the court in each year, to examine all the public records of the county, and report their condition in open court.

SEC. 2. *Be it further enacted*, That it shall be the duty of said jury to find bills in cases where county officers have kept imperfect records, misapplied, or appropriated to their own use, any county funds, or other moneys collected by them, or refuse to pay over any of said moneys when collected, as now provided by law.

SEC. 3. *Be it further enacted*, That all county officers violating the provisions of this act, on conviction, shall be fined in a sum not less than ten nor over five hundred dollars, at the discretion of the court; all laws to the contrary be, and the same are hereby repealed.

APPROVED, January 21st, 1861.

No. 215.

AN ACT to incorporate a Ferry privilege across the Mississippi river at Helena.

SECTION

1. Certain named persons granted ferry privilege for ten years, across the Mississippi at Helena.
2. Company to keep a steam ferry boat.
3. Rates of ferriage to be fixed by county court of Phillips, and board of police of Coahoma county.
4. Bonus to Phillips county. To give bond.

SECTION.

- 5 Phillips county court not to license any other ferry within one mile.
6. Refusal or neglect of company, act to be void.
7. Provisions of act not to interfere with rights of Helena.
8. Act in force after 31st day of December, 1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Berryman Weathers, Christopher Weathers and Henry Weathers, their heirs and assigns, be, and they are hereby authorized to establish and keep and maintain a ferry across the Mississippi river, from Helena, in Phillips county to a place known as the Weathers place, in the county of Coahoma, in the State of Mississippi, and the privilege of keeping said ferry is hereby confirmed to the said Berryman, Christopher and Henry Weathers, their heirs and assigns, for and during

the term of ten years from and after the thirty-first day of December, A. D. eighteen hundred and sixty-two; *Provided, however,* That the said Berryman, Christopher and Henry Weathers, their heirs or assigns, shall be owners in fee, or else shall have the right of way to and from the point at which they may establish and keep their said ferry, and with that view and to that end, they are hereby required to purchase and have conveyed to them, or one of them, the title or right of way to a sufficient quantity of land or grounds, to enable them to land their boats, crafts, passengers, vehicles, goods and chattels, without in any wise encroaching upon the premises of any one else, the streets, alleys, highways, or public grounds of said city of Helena; *Provided,* That they are not already the owners of such lands or right of way.

SEC. 2. *Be it further enacted,* That the said Berryman, Christopher and Henry Weathers, their heirs or assigns, shall place and keep upon said ferry a good and substantial ferry boat, to be propelled or driven by steam, sufficient for the convenient and safe transportation of persons and property across the Mississippi river, and shall at all times keep in repair and readiness such boat, (excepting only such times as may be necessary for repairing the same) for the transportation of persons and property across said river, between the points aforesaid, at all times of the day, between sunrise and sunset, Sundays excepted.

SEC. 3. *Be it further enacted,* That the said Berryman, Christopher and Henry Weathers, their heirs or assigns, shall be entitled to demand and receive such rates of toll or ferriage, for the transportation of persons or property, across said river, between the points aforesaid, as the county court of Phillips county, and the board of police in the county of Coahoma, in the State of Mississippi shall respectively, from time to time, establish, that is to say, the rate of toll or ferriage from the Arkansas side, or shore of said river, to be established by said county court of Phillips county, and the rates of toll or ferriage from the Mississippi shore, to be established by the said board of police of said county of Coahoma, in the State of Mississippi.

SEC. 4. *Be it further enacted*, That the said Berryman, Christopher and Henry Weathers, shall annually pay as a bonus or license into the treasury of the said county of Phillips, a sum not less than fifteen dollars, to be paid and determined by the county court of said county of Phillips, and shall annually execute a bond to the State of Arkansas, in a penal sum of not less than five hundred dollars, to be determined by the said county court of Phillips county, with at least two good and sufficient securities, conditioned for the faithful performance by said parties, or their heirs, of the requirements of this act, which said bond may be put in suit, from time to time by any person or persons aggrieved in the name of the obliger therein for the use of such aggrieved person or persons, until the whole penalty of such bond may be exhausted.

SEC. 5. *Be it further enacted*, That the county court of Phillips county are hereby prohibited from licensing or establishing any other ferry for the transportation of persons or property across the Mississippi river from any point within one mile above or below the corporate limits of said city of Helena, for the term of ten years after the thirty-first day of December, A. D. eighteen hundred and sixty-two.

SEC. 6. *Be it further enacted*, That if the said Berryman Christopher and Henry Weathers, their heirs or assigns, shall refuse or neglect to comply with the provisions of this act for one year from the date it shall take effect, then this act shall be null and void.

SEC. 7. *Be it further enacted*, That this act is not designed or intended to restrict or prohibit the city of Helena, in any wise from regulating the conduct of said ferry, or its management within the limits of said city, or from the imposition of any fine, duty or bonus, for the privilege of using her streets, alleys, public grounds or wharfs.

SEC. 8. *Be it further enacted*, That all laws or parts of laws in conflict with this act, be, and the same are hereby repealed.

SEC. 9. *Be it further enacted*, That this act shall take effect and be in force from and after the thirty-first day of December, A. D. eighteen hundred and sixty-two.

APPROVED, January 21st, 1861.

No. 216.

AN ACT to reincorporate the trustees of the *Richmond Male and Female Academy*.

SECTION

1. Richmond male and female academy established.
2. Certain named persons appointed trustees; majority a quorum.
3. Incorporated by the name and style of "The President and Trustees of the Richmond Male and Female Academy;" certain powers of the corporation.
4. Trustees to elect a president; further powers and duties of corporation.

SECTION

5. Number of board; vacancies, how filled.
6. Trustees to fix salaries of officers; may remove any of them.
7. Spirituous liquors not to be sold within three miles of the institution.
8. Penalty for violating provisions of section 7.
9. Act a public one, and courts to notice it as such.
10. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That an institution of learning be, and the same is hereby established in the town of Richmond, in the county of Sevier, to be denominated the Richmond male and female academy.

SEC. 2. *Be it further enacted*, That John D. Bellah, L. J. Rodes, N. Wilder, Wiley Bishop and Wm. T. Simmons, be, and they are hereby appointed trustees to said academy, a majority of whom shall be a quorum for the transaction of business.

SEC. 3. *Be it further enacted*, That the trustees hereby appointed, and their successors, be, and they are hereby constituted a body politic and corporate, by the name and style of the "President and Trustees of the Richmond Male and Female Academy," and in that name may have successors for ninety-nine years, and may hold by purchase, gift or otherwise, any property, real, personal or mixed, not to exceed fifty thousand dollars, for the benefit of said institution.

SEC. 4. *Be it further enacted*, That the trustees aforesaid, a majority of them being present, may elect a president, and have a common seal, and by their aforesaid name, they and their successors, shall be empowered to sue and be sued, plead

and be impleaded, answer and be answered, in all the courts of law and equity in this state, and to grant, convey and assign any property that does now, or may hereafter belong to said academy, or exchange the same for other property of benefit to said institution; to construct all necessary buildings, to manage the finances, to do all things for the benefit of said institution, in as full and ample a manner as any person, body politic, or body corporate, may or can do; *Provided*, That in all cases the assent of a majority of the trustees shall be obtained, and the president shall vote only in case of a tie vote.

SEC. 5. *Be it further enacted*, That the said board of trustees shall consist of five members, and whenever a vacancy shall occur by death, resignation or otherwise, the trustees, or a majority of them, may have power to fill such vacancy; and they shall have power to appoint all necessary officers, and remove from office any president, trustee, or other officer, for misfeasance or malfeasance in office, a majority of the whole board of trustees concurring, and supply all vacancies that may occur in said institution.

SEC. 6. *Be it further enacted*, That the trustees shall have the power of fixing and regulating the salaries of all officers and teachers, and removing any of them for misconduct in office, a majority of the whole board concurring in said removal.

SEC. 7. *Be it further enacted*, That from and after the passage of this act, it shall not be lawful for any person or persons to sell any spirituous or vinous liquors in any quantity whatsoever, within three miles of any building or buildings, which have been, or may hereafter be erected for the use and benefit of said institution; and it is hereby declared unlawful for any person hereafter to be permitted to retail or sell spirituous or vinous liquors within such limits.

SEC. 8. *Be it further enacted*, That any person or persons violating the provisions of the preceding section, shall, for each offence, be deemed guilty of a misdemeanor, and upon indictment and conviction, shall be fined in any sum not less than twenty-five nor more than five hundred dollars.

SEC. 9. *Be it further enacted*, That this act shall be deemed a public act, and judicially taken notice of as such, without being specially pleaded.

SEC. 10. *Be it further enacted*, That this act shall be in force and take effect from and after its passage.

APPROVED, January 21st, 1861.

No. 217:

AN ACT for the relief of certain persons holding certificates of application to purchase certain swamp lands in the old Helena swamp land district.

SECTION

1. Certain certificates of application of Jesse A. Jackson, land agent at Helena, declared valid.
- 2 If lands sold, agent to issue refunding certificate; scrip issued thereon to be receivable for land in Batesville district.

SECTION

3. Where part of lands have been sold, what steps to take.
4. Certificates to be filed in auditor's office.
5. Provisions of act to extend alone to residents; how ascertained.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the certificates of application to purchase swamp lands in the old Helena swamp land district, issued by Jesse A. Jackson, swamp land agent at Helena, after the 30th day of September, A. D., 1853, shall be deemed and taken as absolute sales, and in all things equivalent to a bona fide entry or purchase of the swamp land therein described, except in case where such lands shall have been subsequently patented to the state, and by the state sold or legally disposed of; and that upon the confirmation of such lands, or at any time when the same are already confirmed to the state, final titles shall be made to the holders of such certificates, their heirs, assigns or legal repre-

representatives, in the manner prescribed by law in other cases of swamp land entries.

SEC. 2. If any land mentioned shall not be finally confirmed to the state, or in case the same shall have been confirmed and sold, or otherwise disposed of by the state, the holder or holders of any such certificate, his, her or their heirs, representatives, or assigns, upon filing said certificate with the swamp land agent, in the swamp land district, where the land therein mentioned lies, or is situate, shall be entitled to receive from such swamp land agent, a refunding certificate, in swamp land scrip, which shall be taken in payment for swamp land in the Batesville district, which was paid for the lands therein mentioned at the price fixed by law, upon which the auditor shall issue his warrant on the treasurer for the payment of the same, which is hereby appropriated for that purpose.

SEC. 3. If any such certificate shall embrace several tracts of land, some of which shall not be so finally confirmed, or shall have been so confirmed, or shall have been so sold or disposed of by the state, and some which have been confirmed and not entered, and have not been sold and disposed of by the state, final titles shall be made to the latter as prescribed in section one, and a certificate and warrant issue as to the former, as provided in section two.

SEC. 4. All certificates taken up by the auditor, under the provisions of this act, shall be filed and remain upon the records of his office, and said auditor shall have and receive the sum of one dollar for each warrant issued by him under this act, to be paid by the applicant; and the swamp land agent for each certificate by him issued, shall receive from the applicant a similar fee.

SEC. 5. *Be it further enacted*, That the provisions of this act shall extend alone to those persons who were actual residents of this state at the time they received from said Jesse A. Jackson, the certificates mentioned in the first section of this act, such evidence to be ascertained by the land agent in the Batesville district, upon the affidavit of the party holding such certificate, together with the affidavits of two creditable citizens of the

state, their credability to be certified by the clerk of the county in which they reside.

APPROVED, January 21st, 1861.

No. 218.

AN ACT amendatory of the Militia Laws of the State of Arkansas.

SECTION

1. Certain persons and officers exempt from militia duty.
2. Commanding officers of regiment to establish new companies; no regiment to consist of more than ten, nor less than five companies.
3. Brigadier general to divide regiment composed of more than ten companies; major general to divide brigade composed of more than five regiments; governor to divide division when composed of more than four brigades.
4. Companies to consist of 32 to 100 non-commissioned officers and privates; battallions to consist of not less than three, nor more than six companies.
5. Divisions, brigades, regiments and battallions; by whom commanded.

SECTION

6. Governor's staff.
7. Governor to appoint adjutant; his salary and duty.
8. Staff of major and brigadier generals; colonel's staff; duty and pay; fife and drum allowed to each company.
9. Removing out of bounds of regiment, office vacated; vacancy, how filled.
10. Uniforms of officers; company uniform.
11. Company musters; how often held.
12. Regimental musters.
13. Regimental court-martial.
14. Accounts for service; how certified.
15. All laws conflicting with this act repealed; and this act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the militia law of this state be so amended that all executive officers, judges of the supreme and circuit courts, clerks of the supreme and circuit courts, post masters and their clerks, post riders, ferrymen on public roads, all licensed preachers of the gospel of every denomination, just-

ces of the peace, keepers of public grist mills whose names are recorded, probate judges, all practicing physicians and druggists, shall be exempt from performing all military duty, except in cases of insurrection or invasion.

SEC. 2. *Be it further enacted*, That the commanding officers of each regiment within the state, shall have power to lay off and establish new companies from time to time within their commands, as they may think best for the militiamen therein; *Provided, however*, No regiment shall consist of more than ten nor less than six companies.

SEC. 3. *Be it further enacted*, That any brigadier general of this state shall divide any regiment in his brigade, whenever the same shall consist of more than ten companies; and any major general shall divide any brigade within his division whenever the same shall consist of more than five regiments; and the governor shall also [divide] any division whenever the same shall consist of more than four brigades.

SEC. 4. *Be it further enacted*, That no company shall consist of less than thirty-two, nor more than one hundred non-commissioned officers and privates; nor shall any battallion consist of less than three nor more than six companies.

SEC. 5. *Be it further enacted*, That each division shall be commanded by one major general; each brigade by one brigadier general; each regiment by one colonel commandant; the first battallion of each regiment by one lieutenant colonel; and the second battallion by one major; and each company by one captain, one first, second and third lieutenants, and five sergeants and four corporals.

SEC. 6. *Be it further enacted*, The staff of the governor shall consist of one adjutant general, who shall rank as brigadier general, one quartermaster general, one commissary general, one paymaster general, one inspector general, one judge advocate, one surgeon general, and such aids-de-camp as he may see proper to appoint, who shall rank as colonels of cavalry, and when called into actual service, either by the authority of this state or of the United States, shall be entitled to the same pay and emoluments as officers of the like grade.

Sec. 7. *Be it further enacted,* That the governor shall appoint an adjutant general, whose duty it shall be to do and perform all the duties that may be required of him by law, and to furnish all forms and blanks for returns by him received, which shall be subject at all times to the inspection of the brigadier generals, major generals, and the executive of the state, and he shall receive for his services, the sum of two hundred and fifty dollars per annum, to be paid out of any money in the treasury of the state, not otherwise appropriated.

Sec. 8. *Be it further enacted,* That the major generals shall appoint the same staff officers as the governor, and shall also appoint two aid-de-camps; brigadier general shall appoint like staff officers as the major generals, and one aid-de-camp; each colonel commandant shall appoint one adjutant, one sergeant major, one quarter master, one commissary, one quarter master sergeant, one surgeon, and one assistant surgeon, one drum and fife major, which musicians shall be allowed two dollars for each day they may be engaged in performing their duties at any regimental, battallion or drill parade, and one judge advocate, and captains shall appoint for their respective companies a drummer and fifer; each regiment in this state, upon the requisition of the colonel commandant or the governor shall be allowed one drum and fife to each company in each regiment, and the governor is hereby authorized to purchase the same out of any moneys in the treasury of the state not otherwise appropriated; and colonels of regiments shall give bond and security in at least double the amount of the value of the property so furnished, for their preservation; and captains of companies shall in like manner be responsible to the colonel of their respective regiments; *Provided,* That the property so furnished may be recalled by the governor at his discretion.

Sec. 9. *Be it further enacted,* That if any commissioned officer of this state shall remove out of the bounds of his proper division, brigade, regiment, battallion or company, or shall be elected to any office of higher grade, or shall absent himself therefrom for more than twelve months at any one time, except

upon the duties of his office, the same shall be declared vacant, which vacancy shall be immediately filled, according to the provisions of this act.

SEC. 10. *Be it further enacted*, That all militia officers elected or appointed under the provisions of this act, shall provide themselves with the proper uniform within six months after their election, which uniform shall be the same as is required to be used by officers of like grade in the United States army, except commissioned officers of companies, who shall be allowed to adopt any uniform which they may see proper; *Provided*, They do not select any uniform such as is worn by an officer of higher grade; no provisions of this act shall be so construed as to exempt or excuse any non-commissioned officer or private from appearing at drill or parade on account of his superior officer not appearing in full uniform.

SEC. 11. *Be it further enacted*, That the captains of the several companies within this state, shall have a company muster at least twice every year, at such time and place as the commanding officer may think best for their convenience; *Provided, however*, That they shall always have also one additional muster on the Saturday preceding each regimental and battallion muster in their respective regiments and battallions.

SEC. 12. *Be it further enacted*, That the commissioned, non-commissioned and staff officers of each regiment shall meet at the place of holding regimental musters, (the commissioned and staff officers in uniform,) armed with a good rifle or smooth bored gun, for the purpose of being trained and instructed in military tactics, by the adjutant of the regiment under the supervision of the colonel on the two days preceding the regimental muster in each year; the adjutant at such drills shall call the roll, note all absentees, and take notice of such officers as are not armed as required by this act; and in case of the absence of the adjutant, the officers present shall perform the duties required of him by turns, as may be agreed upon by themselves.

SEC. 13. *Be it further enacted*, That there shall be a regimental court martial in ach regiment in this state annually, at

or near the place of holding regimental musters, on the second Thursday in November, and succeeding days if necessary; such courts shall consist of at least seven members who are commissioned officers, and the officer highest in grade or the senior officer present, shall be president of such court, which court shall have power to examine all persons brought before them, and exempt such as may be adjudged incapable of performing military duty during their inability, and to inquire into all neglects or omissions of duty of all officers, (colonels excepted,) musicians and privates belonging to the regiment, and assess fines as follows, for said neglect or omission of duty, viz: Upon any lieutenant-colonel or major, not less than five nor more than twenty dollars; upon any regimental staff officers or commissioned company officers, not less than three nor more than ten dollars; upon any non-commissioned officer, musician or private, not less than fifty cents nor more than five dollars and all costs; and if any officer, musician or private, or bystander, shall be guilty of any contemptuous or disorderly conduct during the time of any parade, or setting of any court authorized by this act, he shall be fined at the discretion of the court, in any sum not less than three nor more than ten dollars; the president of the court martial, besides his duties and privileges as a member, is the organ of the court to keep order and conduct its business; he shall speak and act for the court in each case when the rule has been prescribed by law, regulation or its own resolution; in all their deliberations, the laws shall secure the equality of the members; the judge advocate shall summon the necessary witnesses for trial, but he shall not summon any witness at the expense of the state, unless satisfied that his testimony is material and necessary to the ends of justice.

SEC. 14. *Be it further enacted*, That all amounts for actual service rendered, shall be certified by the captains of companies and the colonels of the regiments to which such companies may belong, to the governor, who shall certify the same to the auditor, who shall draw his warrant on the treasurer, and said

warrant or order so drawn, shall be paid out of any money in the treasury, not otherwise appropriated.

SEC. 15. *Be it further enacted*, That all laws or parts of laws in conflict herewith, be, and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

APPROVED, January 21st, 1861.

No. 219.

AN ACT for the benefit of schools, and the purchasers of school lands in White county.

SECTION

1. All sales of 16th sections declared legal and valid. Patents to issue to proper parties on full payment of purchase money.
2. Moneys, notes and bonds to be delivered to common school commis-

SECTION

- sioner elected in 1860. Duty of commissioner.
3. Trustees of schools in T. 7 N., R. 7 W., to appropriate school fund thereof.
4. Conflicting laws repealed. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all sales of the sixteenth sections in White county, heretofore made by the county or township school commissioners of said county be, and are, hereby legalized and confirmed, and the purchaser or purchasers of said lands, at any such sale, their heirs or assignees, shall, on full payment of the purchase money and interest thereon, be entitled to receive a patent for such land, so purchased, in the manner provided for by the general common school law of this state; *Provided, however*, That this act shall not have the effect to legalize any sale that may have been made for a less price than was authorized by law at the time of such sale.

SEC. 2. *Be it further enacted*, That all moneys, notes, bill or

bonds, in the hands or possession of any township school commissioner, or other person, which shall have been given or received for the purchase of any school land in said county, shall be delivered to the county school commissioner, elected for said county at the general election held in August, 1860, as soon as said county commissioner shall have given bond, and qualified as provided by law; and said county school commissioner, and his successors in office, shall be, and are, hereby authorized to sue for and on any such bond, bill or note, and for such moneys, in his own name, as such commissioner, and shall be entitled to all the rights and privileges, and be subject to all the duties and liabilities which are now, or shall hereafter be conferred or imposed upon county school commissioners by the general common school laws of this state; and that in all things not in conflict with this act, said county of White shall be placed and held under the operation and government of the general common school laws of this state.

SEC. 3. *Be it further enacted*, That the "Trustees of Schools" for township No. seven north, range seven west, in said county, shall be, and are, hereby authorized to appropriate the school funds of said township to such schools situated therein, and in such manner as they shall deem of most advantage to the cause of education therein.

SEC. 4. *Be it further enacted*, That all laws in conflict with this act, be, and are hereby repealed, and that this act be in force from and after its passage.

APPROVED, January 21st, 1861.

No. 220.

AN ACT to repeal sections twenty-six, twenty-nine and thirty, of chapter one hundred and forty-nine, of Gould's Digest, under the head of "Roads and Highways," and to substitute others in lieu thereof, and for other purposes.

SECTION

1. Sections 26, 29 and 30, of chapter 149, of Digest repealed, and other provisions substituted for said sections.
2. Certain roads to be public roads.
3. Fines collected, how applied.

SECTION

4. Delinquents to pay one dollar for each day he fails to work.
5. On failure of overseer, duty of justice of the peace.
6. Compensation of overseer.
7. Conflicting laws repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That sections twenty-six, twenty-nine and thirty, of chapter one hundred and forty-nine, [of Gould's Digest] be repealed, and that hereafter, on failure of any hand to work the road, after having been duly warned, personally, or by written notice left at the place of residence of such delinquent, at least three days previous to the time appointed to work on any road; under the provisions of this act, the overseer shall report him forthwith as a delinquent, to any justice of the peace of the township in which his road district lies, and if he does not appear before said justice, within five days, and render a good, valid and sufficient reason, under oath, why he did not work said road, the justice shall issue a summons against such delinquent, which shall be served by the constable at least five days before the day of trial, and if the delinquent fail to appear and show good, valid and just reasons, under oath, why he so failed to work on the road, he shall be fined two dollars for each day he failed to work, together with the cost of suit.

SEC. 2. That all roads upon which the county court shall appoint overseers, shall be deemed and taken to be public roads.

SEC. 3. *Be it further enacted*, That all fines imposed upon and collected from delinquent road hands shall be paid over to

the overseer of the road; the same shall be accounted for by the constable or any other person collecting the same, taking the overseer's receipt therefor, which shall be filed with the justice before whom such judgment shall be recovered, or in case the same shall be paid over to the overseer, without suit or judgment, as hereinafter provided, then such receipt shall be filed with any justice of the peace in the township in which said road district lies, and the same shall be charged against such overseer, and it shall be the duty of each overseer of road, receiving such funds, forthwith to expend the same by hiring hands to work on said road, and such overseer shall take receipts from such person or persons as he may employ to work, file the same with the justice, for which he shall receive credit.

SEC. 4. When any person or persons, liable to work on roads, shall pay to the proper overseer the sum of one dollar for each and every day he may be liable to work, the same shall be received in full satisfaction; and appropriated as herein provided.

SEC. 5. When any justice shall receive information, in writing, that any overseer has failed to appropriate any money in his hands, as herein provided, he shall forthwith give said overseer five days' notice, and if it shall appear to the satisfaction of said justice that such overseer has failed to discharge his duty, as herein required, such justice shall give judgment against such overseer for double the amount ascertained to be in his hands, with cost of suit, which shall be collected as other moneys.

SEC. 6. For each and every day that any overseer may be engaged, having hands and superintending their work, he shall be allowed the sum of two dollars, to be retained out of the road fund in his hands; *Provided*, This act shall not extend to or embrace those counties which have special road laws, so long as such laws remain in force.

SEC. 7. All laws and parts of laws, conflicting with the provisions of this act, be, and the same are hereby repealed.

APPROVED, January 21st, 1861.

No. 221.

AN ACT to incorporate the *Helena Insurance Company*.

SECTION

1. The "Helena Insurance Company in the county of Phillips," incorporated.
2. Capital stock \$100,000, divided into shares of \$100 each.
3. Capital stock, how paid.
4. Certain named persons commissioners; their duty; company when to organize; number of directors.
5. If more than \$100,000 be subscribed.
6. President and directors to manage affairs of company; term of office; president to be elected, his vacancy how filled.
7. President and directors to appoint officers.

SECTION

8. Stockholders may assign stock; in what manner.
9. President and directors insure on land and water, and against fire.
10. On houses and merchandize; against loss or damage.
11. Insure on lives, and grant annuities. Its commercial powers and privileges.
12. May issue certificates for deposits; certificates assignable.
13. Dividends, when and how declared.
14. Power of the president and directors to call meetings; how.
15. Agents of the company how appointed.
16. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the persons who shall, as hereafter mentioned, become subscribers to the capital stock hereby created, and such as shall hereafter become subscribers, or stockholders, in said corporation, are hereby created and declared to be a body politic and corporate, by the name and style of "The Helena Insurance Company, in the county of Phillips," and by that name and style shall have all the rights, powers and privileges conferred by this act.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, with power to increase the same to five hundred thousand dollars, when a majority of the stockholders in interest shall, in general meeting assembled, determine so to do.

SEC. 3. The capital stock shall be paid as follows: Five dollars on each share at the time of subscribing shall be paid to the commissioners hereinafter named, and the residue thereafter, as may be required by the president and directors.

SEC. 4. Wm. F. Moore, G. W. Seveprou, R. R. Seveprou,

Thomas J. Croft, Dr. E. F. Watson, James C. Tappan, and George West, shall be commissioners, a majority of whom, after giving notice thereof for ten days, shall open books in the town of Helena, to receive subscribers to the capital stock of said company, which books shall not be closed in less than ten days, unless the capital stock shall sooner be subscribed; when it shall appear to the commissioners that twenty thousand dollars of the capital stock has been subscribed, they shall call a general meeting of the subscribers, at a certain time and place, in Helena, Arkansas, to organize said company. From the time of such meeting the subscribers shall stand incorporated, unless in the said meeting it be determined otherwise; at this meeting of the stockholders present (in person or by proxy) representing a majority of the stock subscribed, shall proceed, under the inspection of the commissioners) to choose three or five directors, as the stockholders in interest shall determine; the commissioners shall forthwith after the election, pay over as the directors may order, all moneys, by them received from the subscribers of the capital stock of said company, and deliver up all books and papers in their hands concerning the same.

SEC. 5. That if it shall happen, when the books shall be opened as aforesaid, that a greater sum than one hundred thousand dollars shall be subscribed, it shall be lawful for the commissioners to reduce such subscriptions according to a scale to be by them established for that purpose, to the aforesaid sum of one hundred thousand dollars; *Provided*, That no subscription of two shares or under, shall be sealed until all larger subscriptions shall first be reduced to an equality with them.

SEC. 6. The affairs of this company shall be managed by a president and three or five directors, as shall be determined by the stockholders, the president being one, all being stockholders, (a majority of whom shall constitute a quorum,) who shall continue in office one year from the time of their election, and until others are elected; and that there shall be an election every twelve months, to be chosen by ballot, by a majority of the votes of the stockholders present, in person or by proxy; each stockholder shall be entitled to as many votes,

at any meeting of the stockholders, as he may own shares in said company. At the first meeting after every election, the directors shall choose from among themselves a president, and in case of death, resignation or disqualification of the president, or any of the directors, the remaining directors may elect others to supply their places for the remainder of the term for which they were chosen.

SEC. 7. The president and directors may appoint, and dismiss at their pleasure, a secretary, and such other officers as may be necessary for the transaction of the business of said company, and allow such compensation for their services as they may deem reasonable, and may require of such secretary, or other officers, to enter into bond for the faithful discharge of his duties.

SEC. 8. Every stockholder not in debt to the company, may, at pleasure, in person, or by attorney, assign his stock on the books of the company, or any part thereof, not being less than a whole share, but no stockholder indebted to the company shall assign, or make any transfer of his stock, or receive a dividend, until such debt is paid or secured to the satisfaction of the board of directors.

SEC. 9. The president and directors are authorized to make insurance on vessels, steamers, freights, merchandize, species, bullion, jewels, bills of exchange, bank notes, and other evidences of debt, bottomry, and respondentia interest, and to make all and every insurance connected with marine risks, and risks of transportation and navigation.

SEC. 10. To make insurance on dwellings, houses, stores, and other kinds of buildings, and upon household furniture, other property, and merchandize against loss or damage by fire.

SEC. 11. To make insurance on lives; to grant annuities; to guarantee the payment of notes, bonds, bills of exchange; and to make all kinds of contracts for the insurance of every description of property; to receive money on deposit, and to pay interest thereon, as may be advantageous to the stockholders; to provide for the investment of the funds of the company

in such manner as may be deemed most beneficial, and to emit the same in loans or otherwise, as may be judged best for the interest of the company; *Provided*, That in no event shall the deposits be liable for the satisfaction of any policy.

SEC. 12. That the said company shall, and may issue certificates for the amount of all moneys deposited with them, in trust, which certificates shall be assignable, and transferable under such regulations as may be prescribed by the president and directors, and that all certificates, or evidences of deposits, and all policies of insurance, and other contracts made by the proper officer, shall be as effectual to bind said corporation as if they were under the common seal thereof.

SEC. 13. The president and directors may declare semi-annual or other dividends of the profits of the company, as they may deem proper, but no dividend shall be declared when, in the opinion of a majority of the board, the capital stock will be impaired thereby.

SEC. 14. The president and directors may, at any time, when deemed necessary by them, call a general meeting of the stockholders, and any number of stockholders owning not less than one-fourth of the whole number of shares, may require the president and directors to call such meeting, and on their refusal so to do, may themselves call such meeting, giving thirty days' notice thereof.

SEC. 15. The president and directors may appoint an agent in any of the cities, towns, or counties of this state, or elsewhere, to receive offerings for insurance, and for the transaction of such business of the company, as may be confided to him.

SEC. 16. That this act shall be in force from and after its passage.

APPROVED, January 21st, 1861.

No. 222..

AN ACT to authorize Thomas Leaverett, his heirs or assigns, to establish and keep a ferry across the Mississippi river at or near Napoleon.

SECTION

1. Thomas Leaverett, his heirs or assigns, authorized to establish ferry across Mississippi river, at Napoleon, for ten years; but not to interfere with granted rights of others.
2. Ferry boat to be propelled by steam or horse power.
3. Rates of ferriage to be allowed; how, and by what authorities.
4. Bonus to Desha county; to give bond.

SECTION

5. County court and town council not to license other ferries in certain limits.
6. On neglect of Leaverett et al., act to be void
7. Act not to restrict power of town in certain cases.
8. Act in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That Thomas Leaverett, his heirs and assigns, be, and they are hereby authorized to establish and keep, and maintain a ferry across the Mississippi river, from Napoleon, in Desha county, to a place known as Prentiss, in the county of Bolivar, in the State of Mississippi, and the privilege of keeping of said ferry is hereby granted and confirmed to the said Thomas Leaverett, his heirs and assigns, for and during the term of ten years from the passage of this act; Provided, however, That the said Thomas Leaverett, his heirs or assigns, shall be owner in fee, or else shall have the right of way to, and from the point at which he may establish and keep his said ferry; and with that view, and to that end, he is hereby required to purchase, and have conveyed to him, the title, or right of way to a sufficient quantity of land, or ground to enable him to land his boats, crafts, passengers, vehicles, goods and chattels, without in anywise encroaching upon the premises of any one else, the streets, alleys, highways, or public grounds of said city of Napoleon; Provided, further, That the privileges and immunities hereby granted to, and conferred upon said Thomas Lea-*

verett, shall in no wise interfere with, or impair the privileges and rights vested in any one else by the laws now in force.

SEC. 2. *Be it further enacted*, That the said Leaverett, his heirs or assigns, shall place upon said ferry a good and substantial ferry boat, to be propelled or driven by steam, horse, or hand power, sufficient for the convenient and safe transportation of persons and property across the Mississippi river, and shall, at all times, keep in repair and readiness, such boat, (excepting only such times as may be necessary for repairing the same), for the transportation of persons and property across said river, between the points aforesaid, at all times of the day, between sunrise and sunset, Sundays excepted.

SEC. 3. *Be it further enacted*, That the said Leaverett, his heirs or assigns, shall be entitled to demand and receive such rates of toll or ferriage, for the transportation of persons or property across said river, between the points aforesaid, as the county court of Desha county, and the city council of the city of Napoleon, and the board of police, in the county of Bolivar, in the State of Mississippi, shall respectively, from time to time, establish, that is to say, the rate of toll or ferriage, from the Arkansas side or shore of said river, to be established by said county court of Desha county, and the city council of the city of Napoleon, and the rate of toll or ferriage from the Mississippi shore, to be established by said board of police of said county of Bolivar, in the State of Mississippi.

SEC. 4. *Be it further enacted*, That the said Thomas Leaverett, shall pay annually, as a bonus or license, into the treasury of the said county of Desha, a sum not less than five dollars, to be fixed and determined by the county court of said county of Desha, and also a like sum to be paid into the treasury of the city of Napoleon, annually, of not less than five dollars, to be fixed by the city council of the city of Napoleon, as a license, and shall annually execute bond to the State of Arkansas, in the penal sum of not less than five hundred dollars, to be determined by the said county court of Desha county, with at least two good and solvent securities, conditioned for the faithful performance by the said Leaverett, or his heirs, of the require-

ments of this act, which said bond may be put in suit from time to time, by any person or persons aggrieved, in the name of the obligee therein; for the use of such aggrieved person or persons, until the whole penalty of such bond shall be exhausted.

SEC. 5. *Be it further enacted*, That the county court of Desha county, and the city council of the city of Napoleon, are hereby prohibited from licensing or establishing any other ferry, for the transportation of persons or property across the Mississippi river, from any point within one mile above or below the corporate limits of said city of Napoleon, for the term of ten years after the passage of this act.

SEC. 6. *Be it further enacted*, That if the said Thomas Leavertt, his heirs or assigns, shall refuse or neglect to comply with the provisions of this act, for one year from the day of its passage, then this act shall be null and void.

SEC. 7. *Be it further enacted*, That this act is not designed or intended to restrict or prohibit the city of Napoleon in any wise from regulating the conduct of said ferry, or its management within the limits of said city, or from the imposing of any fine, duty or bonus, for the privilege of using her streets, alleys, public grounds or wharfs.

SEC. 8. *Be it further enacted*, That this act be in force from and after its passage.

APPROVED, January 21st, 1861.

No. 223.

AN ACT to incorporate the Male and Female Seminary of
Spring Hill, Hempstead county, Arkansas.

SECTION

1. Style of corporation.
2. Names of corporators.

SECTION.

3. Stockholders to elect annually five trustees.

SECTION.

4. Trustees to hold the property for educational purposes, solely.
5. Corporation to acquire by grant or purchase property of all kinds.
6. Trustees to elect necessary teachers.
7. A quorum.
8. Teachers to appoint board of examination.

SECTION

9. Trustees empowered to confer academic degrees.
10. Lots, buildings, etc., of the corporation exempt from taxation.
11. Sale of vinous liquors within four miles forbidden.
12. When to take effect.

WHEREAS, An association of individuals have, as a joint stock company, contributed funds to construct suitable buildings for a male and female seminary of learning at the town of Spring Hill, in Hempstead county, Arkansas, and for the better furtherance of their plans and purposes, desire the same incorporated. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the male and female institution of learning, located in Spring Hill, in the County of Hempstead, be, and the same is hereby created a body corporate and politic, and shall be known and be called by the name of the 'Spring Hill Male and Female Seminary,' and by that name and style to be, and remain a body corporate for ninety-nine years, and to have power to sue and be sued, to plead and be impleaded, to have a common seal, and to alter the same at pleasure.

SEC. 2. *Be it further enacted*, That James W. Finley, Chauncy J. H. Betts, Abner D. Fawkes, Robert H. Gray and William L. Shipp, be, and the same are hereby appointed trustees of said Spring Hill male and female seminary, and that they and their successors in office, shall have power to make and alter, from time to time, such by-laws as they may deem necessary for the government of said institution, its officers, teachers and professors; *Provided*, Such by-laws are not inconsistent with the constitution and laws of this state and of the United States.

SEC. 3. *Be it further enacted*, That the stockholders in said institution shall, annually, on the first Monday of July, in each year, elect five trustees of said Spring Hill male and female seminary, the above appointed trustees to hold their office until first Monday in July next, A. D. 1861, when the first election shall

take place of such trustees, under the provisions hereof, and all vacancies that may occur by death or resignation, may be filled by the remaining trustees, unless a majority of the whole number, which shall constitute a quorum, shall have died or resigned, in which event any trustee or stockholder may call a special meeting of the stockholders, who shall thereupon fill all vacancies by election, and the trustees so elected shall hold their office until their successors are elected, at the next regular election day thereafter.

SEC. 4. *Be it further enacted*, That such trustees and their successors in office, shall hold the property of said institution, solely for the purpose of education, and not as stock for the individual benefit of themselves, or of any contributor to the endowment of the same; *Provided*, That the amount owned by said corporation shall not exceed, at any one time, two hundred thousand dollars over and above the buildings, libraries and apparatus, necessary to the institution.

SEC. 5. *Be it further enacted*, That said Spring Hill male and female seminary, shall be competent in law and equity to take in its said corporate name, real, personal or mixed property, by gift, grant, bargain and sale, conveyance, will, device or bequest, of any person or persons, and the same estate, whether real, personal or mixed, to grant, bargain, sell, rent, mortgage or place out at interest, or otherwise dispose of, for the benefit of said institution, in such manner as shall secure to said trustees most benefits for said institution, and to apply the funds arising therefrom in erecting suitable buildings, supporting necessary officers, instructors, teachers and professors, and in procuring books, maps, charts, globes and philosophical and chemical, and other necessary apparatus for the success of said institution.

SEC. 6. *Be it further enacted*, That said trustees shall have power to select all necessary teachers to carry on said Spring Hill male and female seminary, and to appoint the principal thereof, who, with the other teachers in said institution, shall constitute the faculty, and shall have power to carry out and enforce all such by-laws as shall be made by said trustees for the government of said institution; *Provided*, That no student

shall be expelled, unless by the consent of two-thirds of the trustees present, at a regular meeting of said trustees, called for the purpose.

SEC. 7. *Be it further enacted,* That a majority of said trustees shall constitute a quorum competent to transact all business of said institution, to make and alter all by-laws, for the government thereof, but not to expel a student; and they shall, as soon after the passage of this law as convenient, elect one of their number, who shall be styled President of said "Spring Hill Male and Female Seminary," and who, with the principal teachers of said institution, shall sign all diplomas or certificates, conferring academical degrees.

SEC. 8. *Be it further enacted,* That said trustees shall have power to institute a board of competent persons, always including the teachers and three of the trustees, and such other persons as said trustees may select, not to exceed five, who shall examine all applicants for academical degrees, and if such applicants are found to possess such acquirements, as in the judgment of said board render them worthy, they may be considered in course, and shall be entitled to a diploma accordingly, on paying such fee, as shall be prescribed by the by-laws of said institution therefor, which fee shall not exceed twenty-five dollars; said examining board shall not exceed five persons, in addition to the teachers and three of the trustees, a majority of which shall constitute a quorum, to examine all applicants for graduation.

SEC. 9. *Be it further enacted,* That said trustees shall have power to confer all such academical degrees as are usually conferred by the most learned male and female academies, and to grant diploma to all applicants who, in the opinion of such examining board, are qualified to receive the same, which diploma shall be signed by the principal teachers of said institution and the president of said trustees.

SEC. 10. *Be it further enacted,* That the buildings and lots on which said "Spring Hill Male and Female Seminary" is located, together with the philosophical, chemical and other apparatus, belonging to said institution, be, and the same are hereby

exempt from taxation during the continuance of the charter of said institution under the provisions hereof.

SEC. 11. *Be it further enacted*, That the sale of, disposal of vinous or spirituous liquors of every kind or description whatsoever, is hereby prohibited within the limits of four miles in all directions from said "Spring Hill Male and Female Seminary," in quantities less than twenty gallons or half a barrel, and any person who shall violate this provision shall be subject to indictment in like manner as other violaters of the laws prohibiting misdemeanors, and on conviction, shall be fined in any sum, not less than fifty nor more than five hundred dollars, and may be imprisoned at the discretion of the jury, in the jail of the county of Hempstead, for any period not less than thirty days, nor more than twelve months.

SEC. 12. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, January 21st, 1861.

No. 224.

AN ACT to grant Thomas J. Mellon and Phillip K. Lester a charter to make a Turnpike Road from Pocahontas, by way of Oasis Postoffice, across Black river and Cache river bottoms, to terminate at or near the terminus of the Smithville, Powhatan and Crowley's Ridge Turnpike Road, on Crowley's Ridge, in Greene county, a distance of thirty miles.

SECTION

1. Direction and extent of Turnpike road.
2. How road shall be constructed.
3. Road to be kept in good repair.
4. County court to appoint a commissioner to examine road when completed.

SECTION

5. Ratio of toll.
6. Toll for persons.
7. The above privileges to continue for fifty years.
8. A jury to assess damages for those who may be injured by said road.
9. Act in force from passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Thomas J. Mellon, of the county of Lawrence, and Phillip K. Lester, of the county of Greene, be hereby authorized, and a charter is hereby granted them, to make, erect and establish a good and substantial turnpike road through and across Black river and Cache river bottoms, commencing on the east bank of Black river, opposite the town of Pocahontas, in the county of Randolph, running thence [along] the most practicable and direct route across said bottom, by way of Oasis post-office, in the county of Lawrence, thence across Cache river bottom, the most practicable and direct route, to the proposed terminus of the Smithville, Powhatan and Crowley's Ridge Turnpike road, on Crowley's Ridge, in the county of Greene, a distance of thirty miles, selecting for themselves the most practicable route, and, so far as the right of the state is concerned, to any of the swamp and overflowed lands, lying adjacent to said turnpike road, the right of way and the use of earth and timber, is hereby granted, so far as the same may be necessary for the location and construction of said road.

SEC. 2. *Be it further enacted*, That the said Mellon and Lester build such bridges, levees, and causeways, as may be necessary to afford a safe and easy passage for travelers, wagons, carriages, etc., at any and all seasons of the year, and the use of any levees made by authority of the state, under the swamp land reclamation act, on the line of the location of said road is hereby granted to the said Mellon and Lester for the location of said road.

SEC. 3. *Be it further enacted*, That the said Thomas J. Mellon and Phillip K. Lester, their heirs or assigns, after the completion of said road, shall keep the same in good order and repair; and, in case of failure so to do, they shall be subject to all the penalties now prescribed by law in relation to delinquent keepers of public ferries; *Provided*, That in case of accident, or sudden rise of freshets, the road shall be materially damaged, they shall be allowed a reasonable time to repair the same.

SEC. 4. *Be it further enacted*, That the said Thomas J. Mel-

lon and Phillip K. Lester, their heirs or assigns, after the completion of said road, shall notify the county courts of the counties of Randolph, Lawrence and Greene, of the completion thereof, and each of said county courts shall appoint a commissioner, and it shall be the duty of said commissioner to examine said road, and report, under oath, the manner of the completion thereof to each of said county courts; and if it shall appear to said courts that the portion of said road, situate in their respective counties, from the report of the commissioners of such county, has been completed agreeably to the requirements of this act, by the said Mellon and Lester, upon application of said Mellon and Lester, the county court of the county where they may desire to establish the same, may authorize them to establish a toll-gate upon said road, and they may demand and receive the rates of toll hereinafter mentioned for the use of said road.

SEC. 5. *Be it further enacted*, That the said Thomas J. Mellon and Phillip K. Lester, their heirs or assigns, are hereby authorized to collect and receive of and from persons using said road, the following rates of toll, to-wit: For each wagon with six horses, mules or oxen, the sum of one dollar; for each wagon with four horses, mules or oxen, the sum of seventy-five cents; for each wagon with two horses, mules or oxen, the sum of fifty cents; for all one horse carriages, carts, buggies, or other vehicle, the sum of thirty cents, including the driver of any such wagon or other vehicles; for a man and horse, the sum of twenty-five cents; for each footman, the sum of ten cents; for each loose horse, mule, jack jennett, or other cattle, the sum of ten cents; for each head of hogs or sheep, the sum of five cents.

SEC. 6. *Be it further enacted*, That when the said Thomas J. Mellon and Phillip K. Lester shall have opened said road, and shall have erected a safe and substantial bridge across Cache river at the point where said road crosses said river, and shall have bridged, leveed or causewayed the sloughs over which the said road shall pass, they shall be entitled to demand

and receive of persons traveling or using said road, one-half of the above rates of toll for the use thereof.

SEC. 7. *Be it further enacted*, That all the privileges granted by this act, shall continue to the benefit of the said Thomas J. Mellon and Phillip K. Lester, their heirs, representatives and assigns for and during the term of fifty years, from and after its passage; and the said Thomas J. Mellon and Phillip K. Lester, their heirs, executors or administration, shall have full power to transfer, at any time, all their rights and privileges under this act, to any other person or persons, and the same shall enure to their said assigns in as full and ample a manner as if the same had been originally granted to them; and said road shall be free from taxation, and shall be completed within ten years from the passage of this act.

SEC. 8. *Be it further enacted*, That should any person over or through whose land or premises said road may be located or constructed, consider himself aggrieved thereby, it shall be lawful, upon the application of either party by petition for the circuit court of the counties in which said land or premises may be situate, to empanel a jury of the county to enquire and assess the damage, upon whose verdict the county shall render judgment, from which judgment either party shall have the right of appeal to the supreme court, under the same rules and regulations as is required in other cases.

SEC. 9. *Be it further enacted*, That this act be in force from and after its passage.

APPROVED, January 21st, 1861.

No. 225.

AN ACT *making appropriations for the year one thousand, eight hundred and sixty-one, and for part of the year one thousand, eight hundred and sixty-two, and for balances due from the State.*

SECTION

1. Sums appropriated.
2. Salaries of clerks, secretaries and door-keepers.
3. Pay to clerks and secretaries for copying.

SECTION

4. Per diem of page of the House.
5. Appropriation to Hugh L. Wilson.
6. To pay rent for executive mansion.
7. Balance unexpended to revert to unappropriated fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That the following sums of money be, and the same are, hereby respectively appropriated out of any money in the treasury of the state, not otherwise appropriated:*

First. To pay for printing, stitching, distributing the acts and journals of the present General Assembly, not including in the journals any public document, except the governor's message, the sum of seven thousand dollars.

Second. To pay for printing, binding and distributing the decisions of the supreme court, the contract for binding to be let out at the discretion of the reporter, the sum of four thousand dollars.

Third. To pay for advertising lands for sale for taxes by the auditor of public accounts, the sum of two hundred dollars.

Fourth. To pay United States land officers for lists of lands entered at their offices, the sum of fifteen hundred dollars.

Fifth. To pay the salary of the governor, the sum of five thousand dollars.

Sixth. To pay the private secretary of the governor, the sum of two thousand dollars.

Seventh. To pay the salary of the state treasurer, the sum of two thousand dollars.

Eighth. To pay the salary of the auditor of public accounts, the sum of twenty-four hundred dollars.

Ninth. To pay the salary of the secretary of state, the sum of two thousand dollars.

Tenth. To pay the salaries of the judges of the supreme court, the sum of fifteen thousand dollars.

Eleventh. To pay the salary of the reporter of the decisions of the supreme court, the sum of one thousand dollars.

Twelfth. To pay the salaries of the judges of the circuit courts, the sum of thirty-nine thousand dollars.

Thirteenth. To pay the salaries of prosecuting attorneys and prosecuting attorneys *pro tempore*, the sum of eight thousand dollars.

Fourteenth. To pay clerk hire in the office of the auditor of public accounts, the sum of five thousand dollars.

Fifteenth. To pay the contingent expenses of the executive department, including only the offices of governor and secretary of state, and the governor shall determine when it shall be proper to draw upon said fund in the discharge of his duties, or to protect the interest and enforce the laws of the state, and the auditor shall issue warrants upon the orders of the governor, and the secretary of state shall certify accounts for the contingent expenses of his office, and, when so certified, the auditor shall issue warrants to pay them, the sum of thirty thousand dollars.

Sixteenth. To pay contingent expenses of the office of auditor of public accounts, the sum of four hundred dollars.

Seventeenth. To pay contingent expenses of the office of state treasurer, the sum of four hundred dollars.

Eighteenth. To pay the expenses of the supreme court of the State of Arkansas, the sum of four thousand dollars; *Provided*, That one of the judges of the supreme court shall certify to the correctness of all accounts.

Nineteenth. To pay the contingent expenses of the senate and house of representatives, the sum of three thousand dollars, and the accounts shall be certified by the secretary of the senate and principal clerk of the house of representatives, for the contingent expenses of their respective houses, and shall be audited and paid as other accounts.

Twentieth. To pay the secretary of state for copying the laws passed at the present session of the General Assembly, furnishing the same to the public printer, and reading proof sheets thereof, and distributing the acts and journals of this session, the sum of seven hundred dollars.

Twenty-first. To pay clerk hire in the treasurer's office, the sum of sixteen hundred dollars.

Twenty-second. To pay all costs which have been or shall be adjudged against the Bank of the State of Arkansas, the sum of one thousand dollars; *Provided*, That all accounts for such costs shall be certified by the treasurer of the State of Arkansas.

Twenty-third. To pay sheriffs and their guards for conveying convicts to the penitentiary, the sum of eight thousand dollars.

Twenty-fourth. To pay special judges of the circuit courts, the sum of five thousand dollars, and the governor is hereby required to appoint special judges of such courts, whenever he shall receive information from the regular incumbent that such appointment is necessary, and such special judges shall receive as a compensation for their services, the sum of fifty dollars for each court that they may hold under the appointment of the governor, as aforesaid.

Twenty-fifth. To pay the per diem and mileage of the members of the General Assembly, the sum of fifty thousand dollars.

Twenty-sixth. To pay the salary of the solicitor general, the sum of three thousand dollars.

Twenty-seventh. To pay for recording and arranging in township order, the abstracts of lands reported to the auditor as taxable, the sum of five hundred dollars.

Twenty-eighth. To pay Lake E. Barber, clerk of the supreme court, for costs in state cases in that court, the sum of four hundred and fifty seven dollars and fifty-seven cents.

Twenty-ninth. For the supreme court library, the sum of four hundred dollars, to be drawn whenever the supreme court may direct.

Thirtieth. To pay for fuel and stationery for the General Assembly, and for fuel for the offices of governor, secretary of

state, auditor and state treasurer, the sum of two thousand dollars.

Thirty-first. To pay for the use of the vault in the State Bank, for the years 1861 and 1862; to be used by the state treasurer for the safe keeping of the public money, the sum of one hundred dollars each year.

SEC. 2. That the clerk of the House of Representatives; and the assistant clerk thereof, the secretary of the Senate, and the enrolling secretary of the Senate, shall receive the sum of six dollars per day; and the enrolling clerk of the House shall receive six dollars per day; and the assistant secretary of the Senate, six dollars per day; and the door keeper of the House shall receive four dollars per day; and the assistant door keeper of the House, four dollars per day; and the door keeper of the Senate, four dollars per day, and two dollars per day for servant hire.

SEC. 3. That the secretary of the Senate and clerk of the House of Representatives shall be paid ten cents for each one hundred words, for copying the journals of the Senate and House of Representatives, and furnishing the same to the public printer, and all such accounts shall be paid upon the certificate of the public printer.

SEC. 4. That the page of the House of Representatives shall receive four dollars per day, to be paid out of the appropriation to pay members and officers of the General Assembly, on the certificate of the speaker of the House of Representatives.

SEC. 5. That the sum of fifty dollars be appropriated for the purpose of paying Hugh G. Wilson, balance due as financial receiver from the first day of January, A. D. 1861, to the 12th day of January, A. D. 1861.

SEC. 6. To pay rent of executive mansion, the sum of one thousand dollars.

SEC. 7. *Be it further enacted,* That any balance of the appropriations herein made, that may remain unexpended at the adjournment of the legislature of 1863, shall revert to the common fund of unappropriated money in the treasury, and that this act take effect and be in force from and after its passage.

APPROVED, January 21st, 1861.

No. 226.

AN ACT to authorize the county courts of the counties of Pulaski and Sebastian to levy a road tax, and for other purposes.

SECTION

1. In what manner, and to what extent road tax may be collected.
2. Duty of county clerk.
3. Supervisors of public roads. Their duties.
4. Supervisors to certify to amount of work done.
5. Overseers to require five days work besides the tax.

SECTION

6. Supervisor may contract for working the public roads.
7. Three classes of public roads.
8. Corporate authorities required to repair roads, bridges, etc., in one mile of corporate limits.
9. Supervisors, their compensation.
10. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the county courts of the counties of Pulaski and Sebastian are hereby authorized and empowered to levy a road tax at the term, when the rate of tax is fixed for county revenue upon all property subject to taxation; *Provided*, Such tax shall not exceed the amount of state and county taxes for any one year; *And provided further*, That any person living, or owning property in any county levying such road tax, shall be permitted to pay their tax by working on the roads of the township, or road district, in which the property may be situated, under the direction of such supervisors or overseers, as the court may appoint, at the rate of two dollars per day, at such rate as the court may determine, which shall not exceed two dollars per day.

SEC. 2. That when such road tax is levied, the clerk of the county court shall prepare a separate column in the tax book for the amount of the road tax, which shall be collected as other revenue, if the tax is not paid by working on the road, as provided for in section one of this act, and the clerk shall make out and cause to be delivered by the sheriff, a certificate of the amount of each tax-payer's road tax, in the several townships of the counties, to the supervisors of public roads in such townships.

SEC. 3. That the county courts shall appoint a supervisor of

public roads for each civil township, at the term such road tax is levied, (who shall hold their offices one year, or until their resignation is accepted by the court, and who shall make and subscribe an oath, faithfully to discharge the duties assigned them,) whose duty it shall be to exercise a general supervision of roads in his township, and to appoint overseers upon the sub-divisions of roads in his district, (who shall also be duly sworn, faithfully to discharge the duties assigned them according to law,) and apportion the workmen, designating the number for each overseer, the particular division of road upon which they are to work, subject to approval by the court, upon making a full return of his proceedings to the court, which he shall do once a year, at such term as the court may direct; and it shall be the duty of the supervisors to purchase all tools which may be necessary for working the roads, and pay for them out of and money in the treasury subject to their order, if such tools are not in the township, subject to their order.

SEC. 4. When any person shall have worked out the amount of his road tax, specified in the certificate made out by the clerk, the supervisor or overseer shall certify on the back of such certificate, that the amount therein specified, (or so much thereof as may have been worked out), has been fully worked out on roads in his township, and deliver the same to the person doing such work; which certificate, with such indorsement of the supervisor or overseer thereon, shall be received by the sheriff from the person holding the same, in payment of their road tax; and such certificates, and the tax collected, (by the sheriff, shall be paid to the treasurer of the county, upon the order of the county court, whose duty it shall be to keep a correct account of all the receipts and disbursements for each township, separately, and all money collected under the provisions of this act, shall belong to and be expended in the township in which the same is collected.

SEC. 5. That the supervisors or overseers may require all persons, liable by existing laws to work public roads, (physicians, ministers of the gospel, keepers of mills and public ferries, are hereby exempted from working the roads the five days,

but their property is not exempted from tax), to work five days in each year upon the roads, in addition to the tax, if necessary, and it shall be the duty of the supervisors or overseers to give all the tax payers, or persons liable to work on the road, three days' notice of the time and place for working the road, and to specify the kind of tools each one is required to use; and every person so warned, who shall fail or refuse to work, shall forfeit and pay for the use of his road district, one dollar for each day he fails to work, to be recovered by action of debt, in the name of the supervisor or overseer to whose division he belongs.

SEC. 6. That the supervisors may contract for opening, repairing or keeping in order the public roads, building bridges, embankments or causeways, under such restrictions, and upon such terms as the court may impose; and upon the completion of any contract, the supervisor shall draw an order for the money, which shall be audited and allowed by the county court, and paid by the treasurer out of any money belonging to the road district in which the work is done.

SEC. 7. The county court shall arrange the public roads into three classes, and determine the width, and order or condition in which each shall be kept by the supervisor or overseer, and any supervisor or overseer failing or neglecting to keep his division of the road in good order, as directed by law, and the order of the court, shall, upon presentment, indictment, and conviction, be fined in any sum not less than ten, nor more than fifty dollars; and all fines collected from supervisors or overseers, shall be paid to the treasurer, and form a part of the road fund.

SEC. 8. The corporate authorities are hereby required to keep all the public roads and highways in repair, and all bridges thereon in good order for one mile from their present corporate limits, and shall be responsible for all damages which any one may sustain in consequence of said roads or bridges, within the distance aforesaid, being out of repair, and the commissioners for the townships in which said towns and cities may be situated, shall define and mark the points on such road to which the city or town authorities are required to work.

SEC. 9. That the court may allow supervisors and overseers compensation for their services, which shall not exceed two dollars per day for each day they may be engaged in the performance of their duties, to be paid upon the order of the county court, out of the road fund of their respective townships, by the treasurer, upon presentation of a warrant issued, by the clerk; that the sheriffs of said counties shall not be allowed commissions for assessing and collecting any road tax, when such road tax is paid by working on the public roads of said counties. He shall receive his commissions on all tax arising in money under this act, as a full compensation for all services. The treasurer of said counties shall be allowed his commissions on all money paid over to him under this act, but shall not be allowed commissions or receipts or certificates for taxes paid in work. The clerks of said counties shall be allowed one hundred dollars for all services, and no more, to be paid out of the fund arising under this act. No overseer shall be allowed for more than twenty days' service in any one year, for superintending hands when working on the public roads of said counties.

SEC. 10. That nothing herein contained shall be so construed as to change the existing laws in relation to roads in any county herein named, until the county court of such county shall decide to levy the road tax at a regular quarterly term, as hereinbefore provided for, but as soon as the county court so decides, and levies the tax, then the provisions of this act shall be in full force in such county, and all laws in conflict are hereby repealed, and this act be in force from and after its passage.

APPROVED, January 21st, 1861.

No. 227.

AN ACT to establish separate Courts in the County of Sebastian.

SECTION.

1. Boundaries of the two judicial districts.
2. The courts for Greenwood district to be held at the county seat as now provided by law.
3. The courts of Sebastian county to be held the same number of times at Fort Smith for the Fort Smith district.
4. The circuit court for Greenwood district.
5. How to ascertain in which district.
6. The the courts of Sebastian entirely distinct.
7. The effect of judgments and decrees in the respective districts.
8. The citizens of Sebastian liable to serve on juries only in the district in which they reside.

SECTION.

9. The probate judge for Sebastian county is the probate judge of the Fort Smith district.
10. Actions now pending to be adjudicated at the present county seat.
11. Probate court in the Greenwood district.
12. Probate court for Fort Smith district.
13. Clerk, sheriff, and probate judge of Sebastian to act for both districts.
14. Clerk to keep an office at Fort Smith.
15. In other matters not specified in this act Sebastian county is undivided.
16. Laws not inconsistent with this act to remain in full force.
17. Laws conflicting with this act repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That the county of Sebastian shall be divided into two judicial districts to be called the Fort Smith district, and the Greenwood district. That all that portion of Sebastian county known as Upper Township, shall compose, and be called the Fort Smith district; and all the residue of said county, shall compose, and be called the Greenwood district.*

SEC. 2. *Be it further enacted, That the circuit, chancery and probate courts of the county of Sebastian, in and for the Greenwood district shall continue to be held at the county seat at Greenwood, as now provided for by law, and there shall be no change in the style of the process and legal proceedings which shall be pending in said courts.*

SEC. 3. *Be it further enacted, That the circuit and chancery courts of Sebastian county, shall be holden the same number of sessions at the city of Fort Smith, at such place in said city as may be selected by three commissioners for that purpose*

appointed by the county court, of the county of Sebastian, as by law said courts are now holden at the county seat of said county; and at such times as may be designated by law, and shall be called the circuit court of the county of Sebastian for the Fort Smith district, and the authority and territorial jurisdiction of said circuit courts shall extend over the Fort Smith district, the same and in like manner as if said district was a constitutional county of this state, and said circuit court of Sebastian county for the Fort Smith district shall have original and exclusive jurisdiction of all such cases as are now by law vested in the circuit courts of this state, which have or may hereafter arise in the said Fort Smith district; *Provided*, That no citizen or resident of the Greenwood district shall be liable to be sued in the said Fort Smith district in any action whatever.

SEC. 4. *Be it further enacted*, That the circuit court of the county of Sebastian, held at the county seat, shall have original and exclusive jurisdiction over the Greenwood district, and that from and after the passage of this act, said court shall be styled the circuit court of the county of Sebastian for the Greenwood district.

SEC. 5. *Be it further enacted*, That in order to ascertain in which of the respective districts in said county actions cognizable in the circuit court shall be returnable and be tried, the said districts for all the purposes of this act shall be considered as separate and distinct counties, and the mode and place for trying suits shall be determined by the general law applicable to different counties; except that all process, civil, criminal, original, mesne and final that may be issued from the circuit court of either district, shall run through the whole county, and have like effect as if the court where it issued were the only circuit court of said county; *Provided*, That no process except subpoenas for witnesses and executions issued by the circuit court of the Fort Smith district shall be served on any citizen or resident of the Greenwood district.

SEC. 6. *Be it further enacted*, That the circuit courts hereby established in the respective districts of Sebastian county shall be as distinct from each other, and shall have the same relation

to each other, as if they were circuit courts of different counties, and may change the venue of cases from one district to the other, or to any other county in the judicial circuit, in like manner, as changes of venue are granted in this state.

SEC. 7. *Be it further enacted*, That all judgments and decrees rendered in the circuit courts of the respective districts shall be liens upon real estate only in the district where such judgments and decrees are rendered; but executions in the hands of the sheriff shall have the same lien and force throughout the entire county as though but one court was held in said county, and all sales of real estate, slaves and other property made by the sheriff in accordance with the laws of this state regulating judicial sales at the court house door in the Fort Smith district, shall be as lawful, as if made at the court house door of the county seat; *Provided*, That all sales upon executions, decrees and orders of the courts of the Greenwood district shall be made at the court house door of the county seat in the Greenwood district.

SEC. 8. *Be it further enacted*, That citizens of Sebastian county shall only be liable to serve on juries in the districts in which they reside, but all persons may be subpoenaed in any portion of said county to attend either court in like manner, and with the same effect as is now provided by law to compel witnesses to attend any of the courts of this state.

SEC. 9. *Be it further enacted*, That the judge of the probate court of Sebastian county shall be the judge of the probate court of the district of Fort Smith, and that the judge of said court shall hold the same at the court-house in the district of Fort Smith, on the first Mondays in January, April, July and October in each year; and such probate court is hereby invested with original and exclusive jurisdiction within and for said Fort Smith district of all such matters within said district, as are now by law vested in probate courts of this state, and the same proceedings had in said court as are now had and transacted in other probate courts of this state; *Provided*, That no local law now applicable by enactment to Sebastian county, shall be in force in said Fort Smith district.

SEC. 10. *Be it further enacted*, That all actions either in law or equity now depending in the circuit court or probate court of said county of Sebastian, shall remain for adjudication and be tried in the circuit, chancery or probate court held in the Greenwood district; *Provided; however*, That when the parties litigant, or their attorneys, in any civil or probate matter, petition the court in which such suit or suits are pending, and showing, in such petition, that it would be to the interest of the parties litigant to change the venue to the Fort Smith district, the court, if satisfied of the justness of said petition, may order such suit or suits to be transferred from the Greenwood district to the Fort Smith district; in which case it shall be the duty of the clerk of the court of the Greenwood district to make out a full and complete transcript of all the record entries, and send the same, together with all the original papers, in said cause, filed in his office, to the clerk's office in the Fort Smith district; which said transcript, so made out, shall be under the proper seal of said court, and duly certified to by the clerk, at the expense of the party applying for and obtaining such change of venue.

SEC. 11. *Be it further enacted*, That the probate court in the Greenwood district shall be holden at the same times as by law is now provided; and said probate court shall have jurisdiction of all matters pertaining to its jurisdiction, within the territorial limits of the Greenwood district, and said court shall be styled the Probate Court of the county of Sebastian for the Greenwood district.

SEC. 12. *Be it further enacted*, That all matters of probate jurisdiction, appertaining to that part of the county of Sebastian within the Fort Smith district, and to persons and property resident and being therein, shall be subject to the jurisdiction and examination of the probate court of the county of Sebastian, for the Fort Smith district.

SEC. 13. *Be it further enacted*, That the sheriff, clerk and probate judge of the county of Sebastian, shall be the sheriff, clerk and probate judge of the Greenwood district, and the Fort Smith district, and invested with all the ministerial and

judicial, and ex-officio powers, in the respective districts, as such officers now are by law, and it is hereby made the respective duty of the sheriff and clerk of said county of Sebastian, by and with the approval of the presiding judge of the county court, to appoint a deputy; and each one of the above named officers shall reside in one of said districts, and their deputy in the other, and the clerk and sheriff, or their deputies, shall reside in the city of Fort Smith, in the Fort Smith district.

SEC. 14. *Be it further enacted*, That the clerk of the circuit court of the county of Sebastian, shall keep an office in the city of Fort Smith, in the Fort Smith district, at which place the said clerk or his deputy shall reside, in addition to the office now required by law to be kept at the county seat of said county; it shall be the duty of said clerk to provide a seal for the circuit court of the county of Sebastian for the Fort Smith district, which shall be the seal of the probate court of said Fort Smith district, and also the seal of the recorder, and to be in all respects, and in like manner, as the seal of the circuit court is now by law used in this state; he shall furnish all the necessary books and records, now by law required to be kept in the offices of clerks of the circuit and probate courts, and recorder's offices of this state, to be paid for by the county court of Sebastian county; and it shall be the duty of said clerk to record all deeds and other instruments in writing, now required by law to be recorded, which may belong to the inhabitants or property, or interests of any kind, of the Fort Smith district, in the proper books of his office, in apt time, and in like manner, and for the same compensation as the said clerks is now allowed for similar services; and all such records and entries as shall be made in said clerk's office of the Fort Smith district, shall have the same force and effect, and be used in the same manner, and the same faith and credit be given to them, as is due similar entries or transcripts made in clerk's offices in this state; *Provided*, That all deeds, or other instruments in writing, required to be recorded, affecting property in the Greenwood district, shall be recorded in the Greenwood district.

SEC. 15. *Be it further enacted*, That as to all matters not

within the provision of this act, the county of Sebastian shall be one entire and undivided county, and in all business done by said clerk of Sebastian county, he shall not be compelled to state in what district the same is done, but shall specify in what court his proceedings have relation to, and shall state the capacity in which he acts, as is now required by law; all process issued by the clerk of the circuit court of the county of Sebastian, shall be made returnable, according to existing laws to the proper district, disclosing in such process the time, place and court at which the parties to be served with such process, are required to attend, and in all cases, not necessary for the purposes of this act, the clerk shall style himself the clerk of the proper court or office of the county of Sebastian, and not as clerk of either district, as herein provided for.

SEC. 16. *Be it further enacted*, That all laws now in force in this state, not inconsistent with this act, for the government of the circuit courts, and probate courts, county officers, and the institution of suits in civil or criminal cases, the summoning, trying, empanneling and charging grand and petit jurors, and the general disposition of all business, shall be, and the same is hereby declared to be, in full force in the Fort Smith district.

SEC. 17. *Be it further enacted*, That all laws and parts of laws in controvention with this act, be, and the same are, hereby repealed, and that this act take effect and be in force from and after its passage; *Provided*, That business shall still continue to be transacted in said county as is now provided for by law, and until the said commissioners, named in the third section of this act, have reported that they have a court-house in readiness for the purpose of holding the circuit and probate courts of the Fort Smith district, and as soon thereafter as the said commissioners procure a court-house for the holdings of the courts in the Fort Smith district, at the expense of the inhabitants of the said Fort Smith district, then the courts shall be holden, and the business conducted, in all respects, as by law is required to be done at the county seat of said county; and it shall be the duty of the presiding judge of the county court to order

and direct the clerk of the circuit court to prepare the circuit court records, and the circuit court of the county of Sebastian, for the Fort Smith district, shall be held on the third Mondays after the commencement of the regular terms of the circuit courts of the Greenwood district of Sebastian county.

APPROVED, January 21st, 1861.

No. 228.

AN ACT to grant *Newport Floyd, Andrew J. Jones and James Low*, to make a turnpike through the counties of *Hot Spring, Clark, Montgomery, Pike and Sevier*.

SECTION

1. Route of turnpike road.
2. Said road the only public road in five miles running parallel with the same.
3. When road is completed twenty-five miles the company may erect a toll gate.
4. To be completed in two years.
5. Commissioner to examine the road.

SECTION

6. Company to keep the road in good repair.
7. Rates of toll.
8. Privileges granted by charter to continue fifteen years.
9. Sheriffs to examine and certify as to the quality of said road, before toll is collected.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That Newport Floyd, Andrew J. Jones and James Low, be, and they are hereby granted a charter, to build, make, erect, and establish a turnpike road commencing at the town of Hot Springs, in the county of Hot Spring, thence with and contiguous to a route known as the Paris mail trace, to the line between the State of Arkansas and the Indian nation, five miles south-west of Mineral Hill post office, selecting for themselves what they may deem the most practicable route, as aforesaid. And shall have the right of way through the lands*

of any person or persons, by paying such person or persons the true value thereof.

SEC. 2. *Be it further enacted*, That when said road shall be in all things fully completed, it shall be, and it is hereby declared to be the only public road within five miles, running parallel to the same.

SEC. 3. *Be it further enacted*, That when said road shall be in all things fully completed twenty-five miles, said company may erect a toll gate, and shall receive the rates of toll as hereinafter provided.

SEC. 4. *Be it further enacted*, That said road shall be fully completed within two years from the passage of this act, and if said road shall not be completed within the time aforesaid, this charter to be of no force or effect.

SEC. 5. *Be it further enacted*, That said company, their heirs or assigns, after the completion of each twenty-five miles of said road, shall notify the proper county courts, through which or in which said road runs, of the completion thereof, who shall appoint three commissioners to examine and report, under oath, the condition of said road, and if said county court shall be of opinion, from such report, that the conditions of this charter has been complied with, on the part of said company, it shall authorize them to erect toll gates, as aforesaid, and ask, and receive the rates of toll hereinafter provided.

SEC. 6. *Be it further enacted*, That said company, their heirs and assigns, after the completion of each twenty-five miles of said road, shall keep the same in good repair, and in default thereof shall not be entitled to ask or receive the rates of toll as hereinafter provided.

SEC. 7. *Be it further enacted*, That the said Newport Floyd, Andrew J. Jones and James Low, shall have the right to collect and receive of, and from all persons using said road, and who do not live or reside in the county in which the toll gate is erected, the following rates, at each and every toll gate, viz: for each six horse or ox waggon, seventy-five cents; for each four horse or ox waggon, fifty cents; for each two-horse or ox wagon, or buggy, thirty cents; for each one-horse buggy, twenty-

five cents; for each man and horse, ten cents; for each loose horse, mare, mule, jack or jenny, three cents, and for each cow, sheep and hog, two cents.

SEC. 8. *Be it further enacted*, That the privileges hereby granted to the said Newport Floyd, Andrew J. Jones and James Low, shall continue to their benefit, their heirs and assigns, for the term of fifteen years from and after the passage of this act, and said rights and privileges thus granted shall vest in any person or persons, to whom they may transfer the same, in as full a manner as if the same had been granted to him or them, by name.

SEC. 9. *Be it further enacted*, That before the company herein provided for shall collect toll from persons or property, passing over said road, until the certificate of the sheriffs of the counties through which the said road passes, shall have been procured, and filed in the clerk's office of the proper county, certifying that the said road is a first class turnpike road.

SEC. 10. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, January 21st, 1861.

No. 229,

AN ACT amendatory of the law concerning schools and school lands in the counties of Columbia and Prairie.

SECTION

1. The office of county school commissioner abolished. Moneys turned over to township treasurer.
2. Treasurer to give duplicate receipts for moneys received.
3. Prosecuting attorney to sue treasurer on his bond for breach of its conditions.
4. Suits to be brought in the name of

SECTION

- the township.
5. Duty of the trustees.
6. How moneys to be disbursed.
7. Children living on the line or attending school in another township. How provided for.
8. Moneys to be loaned by treasurer at eight per cent. on sum.
10. Conflicting laws repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the office of county school commissioner in the counties of Columbia and Prairie, be, and the same is hereby abolished, and all moneys, bonds, notes, bills, assets or property in his hands, shall be turned over to the treasurers of the respective townships to which they may respectively appertain and belong, and such treasurer shall give bond to the State of Arkansas, with two or more responsible securities, in such sum as the township trustees may direct, conditioned to faithfully perform all the duties of township treasurer, for which he may have been appointed, and to pay over and account for, according to law, all moneys, bonds, bills, notes, assets or property, which may come to his hands as such treasurer; or which ought to have come to his hands, and to pay and disburse the same on the orders of the said trustees, for school purposes; and to make settlements according to law, or when required by said trustees, which bond shall be approved by the said trustees and deposited and recorded in the office of the clerk of the county court of the county, and a copy thereof, duly certified, shall be received in evidence in all courts.

SEC. 2. All moneys shall be paid over to the said treasurer, which belongs to his township, for school purposes, and he shall give duplicate receipts therefor, one of which shall be filed in the office of the clerk of said court, and shall, without further proof, be sufficient to charge the said treasurer and his securities therewith.

SEC. 3. For any breach of the condition of said bond, the trustees of the township shall direct the prosecuting attorney to sue thereon, and which suit shall be for the use and benefit of the trustees of the township, and when collected shall be devoted to school purposes in the township, and the said trustees shall forthwith remove such delinquent treasurer from office, and appoint another in his place, who shall, in like manner, give bond as above specified.

SEC. 4. All suits to recover moneys or property belonging to the school fund, shall be brought in the name of the township against the persons liable, and shall progress to judgment

and execution accordingly, and the moneys, when collected, be paid over to the treasurer aforesaid.

SEC. 5. It shall be the duty of the trustees of each township to ascertain by the best means in their power, and annually report to the township treasurer, the number of all free white children in the township, between the ages of five and twenty, and which report shall be made as soon after the 1st day of January, of each year as practicable, and before the disbursement of the funds of the township hereinafter mentioned.

SEC. 6. The moneys belonging to the school fund of each township, respectively, shall be disbursed from time to time, on order of the said trustees, according to existing laws for school purposes in the township.

SEC. 7. Children living on or near to township lines, may have the benefit of the school fund of the township, in which said child or children may reside, and whenever the trustees of any township are satisfied that any child or children, entitled to the benefits of the school fund in their township, is, or are so situated that it will be more convenient to attend school in the adjoining township, then said trustees may order and direct that the pro rata amounts to which such child or children are entitled to in their own townships, be expended in the adjoining township for the benefit of such children.

SEC. 8. Unsold sixteenth sections or parts thereof or other school property, belonging to the township, shall be sold by the said treasurer of the township, and at the most public place in the township, where the same are situated, on the same notice, and times and manner as now prescribed by law, and the treasurer shall give certificate and make deeds, passing the title upon payment, as now provided by law in reference to the commissioner.

SEC. 9. Moneys on hand shall be loaned by the treasurer, from time to time, on good and sufficient security, but not for a longer period than one year at a time, within the [township], where it will command as much as eight per cent. interest annually, and if not, then it may be loaned to persons not in

the township, and in all cases the best rate of interest shall be procured, not exceeding ten per cent. per annum.

SEC. 10. All laws and parts of laws conflicting with the provisions of this act, are hereby repealed, and this act takes effect from and after the fifteenth day of August, 1862.

APPROVED, January 21st, 1861.

No. 230.

AN ACT to refund to the administrator of Henry J. Kimbell, deceased, a certain amount of swamp land scrip erroneously paid by said deceased, for the entry of land which the state had previously sold.

To appropriate swamp land scrip to administrator of Henry J. Kimbell.

Be it enacted by the General Assembly of the State of Arkansas, That the auditor of public accounts of the State of Arkansas, is hereby authorized and required to issue his warrant on the state treasurer for one hundred and forty-five dollars and eighteen cents, of swamp land scrip, in favor of the administrator of the estate of Henry J. Kimbell, deceased, upon said administrator, filing with the auditor aforesaid, the refunding certificate for said amount, numbered 104, and issued by James M. Killgore, as state land agent for the Washington district upon the original certificate of entry; *Provided, however,* That if the auditor shall, upon full investigation, find that the scrip hereby authorized to be refunded was never received into the treasury, he shall charge the same, or any part thereof that may be found due, to the land agent or swamp land commissioner,

liable for the same, and such land agent or commissioner shall be bound to the state therefor, and that this act shall take effect and be in force from and after its passage.

APPROVED, January 21st, 1861.

No. 231.

AN ACT to incorporate the Pine Bluff Gas Company.

SECTION

1. Corporators and style of corporation; powers and immunities of corporation.
2. Capital stock; hundred dollars a share.
3. City of Pine Bluff authorized to subscribe stock.

SECTION

4. A board of directors to manage affairs of company.
5. Individual stockholders not liable beyond their respective stock.
6. Stock considered personal property
7. Fine for cutting or damaging pipes of company.
8. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That* Josiah Snow, James Ketchum and William D. Snow, and their associates and assigns, are hereby created a body politic and corporate for the purpose of erecting gas works and laying gas pipes through the town or city of Pine Bluff, and for the erection of a building and gasometer in connection therewith, and the purchasing and holding of real estate necessary for said works; the name of the company to be "The Pine Bluff Gas Company," with succession for ninety-nine years; and by such name, capable to sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction; and shall have power to make and use a common seal, and the same to renew and alter at pleasure; buy and sell, hold and convey real estate necessary to carry out the objects and pur-

poses of this charter, or in the securing or collecting of debts, or to make contracts and enforce the same, and to establish and put in full force, such by-laws, rules and regulations as may be necessary and proper to carry into effect the provisions of this act; and shall have all powers incident to corporations at common law, not inconsistent with the laws of this state and the United States; and the company is hereby invested with all the powers, privileges and immunities which are, or may be necessary to carry into effect the purposes and objects of this act; and the said company is hereby authorized and empowered to purchase and hold real estate necessary for said business, and for the erection of buildings, gasometer and offices.

Sec. 2. *Be it further enacted*, That the capital stock of said company shall be thirty-five thousand dollars; said stock to be divided into shares of one hundred dollars each; when stock to the amount of five thousand dollars is subscribed for, the company may be organized and legally proceed to business.

Sec. 3. *Be it further enacted*, That it is hereby declared lawful for the corporation of the city of Pine Bluff, by their board of aldermen, to subscribe for any number of shares to the stock of said company, that they may deem for the interest of said city by issuing bonds payable at some future date, with semi-annual interest in attached coupons; in such case, the said city of Pine Bluff will be entitled to a director in the board of said gas company, the director aforesaid to be appointed by the aldermen of said city; the said city is hereby authorized to pay said bonds at maturity, for the subscription to the stock of said company, out of any corporation or other funds not specially appropriated to any other purpose; and to levy money, by taxation, for any such stock subscription; and, also, to levy money by taxation, for the semi-annual interest on said bonds.

Sec. 4. *Be it further enacted*, That the management of the affairs of said company, shall be under the control of a board of directors, of not less than five, to be chosen from among the stockholders, who shall hold their office for one year from the date of the organization of said company, or until an election shall have been made to fill their places, as the by-laws may

direct; the board shall elect a president, treasurer and secretary of said company, whose duties are to be defined in the general by-laws.

SEC. 5. *Be it further enacted*, That no officer of the company or board of directors shall contract any liabilities binding on the individual stockholders of the company, beyond the amount of stock he or they may subscribe, nor upon the city of Pine Bluff, in case it becomes a stockholder.

SEC. 6. *Be it further enacted*, That the stock of this company shall be considered personal property.

SEC. 7. *Be it further enacted*, That any person found guilty of injuring, cutting, or in any way damaging the pipes of the company, shall pay a fine of not less than three hundred dollars, and be imprisoned not less than three months, and pay all damages sustained thereby.

SEC. 8. *Be it further enacted*, That this act shall take effect from and after its passage.

APPROVED, January 21st, 1861.

No. 232.

AN ACT to increase the compensation of the presiding judge and associate justices of the county court of Jefferson county.

SECTION

1. Compensation of county judge, seven hundred dollars.

SECTION

2. Compensation of associate justices.
3. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That hereafter the presiding judge of the county court of Jefferson county, shall receive the sum of seven hundred dollars as full compensation for his services in holding the

county and probate court of said county, to be paid quarterly out of the county treasury.

SEC. 2. *Be it further enacted*, That each justice of the peace elected to assist the presiding judge in holding the county court of said county, shall be allowed the sum of four dollars for each day he may be engaged in holding the court, to be paid out of the county treasury; and each justice of the peace summoned to attend and assist the presiding judge in holding the court; on failure of either of the justices elected to attend, shall be entitled to the same fees as if he had been elected.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

APPROVED, January 21st, 1861.

No. 233.

AN ACT to incorporate the Poinsett Male and Female Academy.

SECTION

1. Style of corporation.
2. A joint stock company; twenty-five dollars a share.
3. Board of directors.
4. Directors; how chosen.
5. Directors a body politic; may elect president.
6. Duties and responsibilities of said board.
7. President and board may enact by-laws.

SECTION

8. Nine directors a quorum.
9. No misnomer annuls a gift or donation to the institution.
10. Sale of spirituous liquors within two miles of said academy prohibited.
11. Property of academy exempt from taxation.
12. This act to be deemed a public act.
13. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That an institution of learning be, and the same is hereby incorporated in Poinsett county, of this state, to be styled the Poinsett Male and Female Academy.

SEC. 2. *Be it further enacted*, That a joint stock company

be, and the same is hereby established by this charter, in order to the raising of a fund to purchase one quarter section of land, more or less, and for the erection and completion of suitable buildings for said academy, and that the subscription and payment of twenty-five dollars shall constitute a share in said company.

SEC. 3. *Be it further enacted*, That the following named persons be, and they are hereby appointed a board of directors for said institution, viz: Isaac N. Dedrick, James N. Dobson, Starkey S. Hare, Thomas P. Hare, William G. Arledge, sr., David Black, Samuel H. Huiton, John Sullivan and David C. Cross, who shall hold their office as said directors until their successors shall be elected.

SEC. 4. *Be it further enacted*, That the directors shall be chosen from the stockholders of said joint stock holding company.

SEC. 5. *Be it further enacted*, That the directors aforesaid, by the consent of a majority, may elect a president, and have a common seal for themselves and successors in office; and they are hereby constituted a body politic and corporate, by the name and style of the "President and Board of Directors of the Poinsett Male and Female Academy joint stock company;" and in that name, they and their successors shall and may have succession during the period of ninety-nine years; be able and capable both in law and equity, to have, receive and enjoy to them and to their successors lands and tenements of any kind whatever, which may [be] given, granted, sold or bequeathed for the benefit or purpose of promoting the interests of said institution.

SEC. 6. *Be it further enacted*, That the president and board of directors as aforesaid, and by the aforesaid name, they and their successors shall be able to sue and be sued, plead and be impleaded, in any of the courts of law or equity in this state, and to grant, bargain or assign any lands, tenements, goods or chattels, that do or may hereafter belong or accrue to said academy; to construct all necessary buildings, to manage the finances, and to act and do all things necessary for the benefit of said institution, as any person or body politic can or may do

by law; *Provided*, That in all cases a quorum of the board of directors be present and voting, the president voting only in cases of a tie.

SEC. 7. *Be it further enacted*, That the president and board of directors, or a quorum thereof, when duly assembled, shall have power and authority to enact any by-laws for the discharge of the various duties growing out of or devolving upon said corporation.

SEC. 8. *Be it further enacted*, That nine directors are hereby authorized to take charge of said institution thereof, who shall constitute a quorum for the transaction of business.

SEC. 9. *Be it further enacted*, That no misnomer of said institution shall defeat or annul any gift, grant or bequest, or devise to the same.

SEC. 10. *Be it further enacted*, That the sale of wines or spirituous liquors is hereby prohibited within two miles of said academy, except for medical purposes, and any person who shall be found guilty of violating this law, shall be deemed guilty of a misdemeanor, and shall be fined in the sum of twenty dollars for the first offence, and fifty dollars for every like offence thereafter, and it shall not be lawful for the county court to grant license to retail wines or spirituous liquors within two miles of said school.

SEC. 11. *Be it further enacted*, That buildings and lands on which the Poinsett male and female academy is located, together with all the apparatus and fixtures belonging to the said school, be, and the same are hereby exempted from taxation for the space of ninety-nine years.

SEC. 12. *Be it further enacted*, That this act shall be deemed a public act, to be judicially taken notice of as such, without special pleading.

SEC. 13. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, January 21st, 1861.

RESOLUTIONS.

WHEREAS, The court house, together with the clerk's office and all the records, books and maps of Carroll county, Arkansas, were on the night of the 24th of July, A. D., 1860, consumed by fire, and that by the hand of an incendiary; therefore,

Be it resolved by the General Assembly of the State of Arkansas, That the Secretary of State of the State of Arkansas, be, and is hereby required as soon as practicable, to furnish the clerk's office of Carroll county with a full and complete set of well bound reports of the decisions of the supreme court of this State; also to furnish similar sets to the clerk's offices of the counties of Mississippi, Scott and Perry.

APPROVED, December 31st, 1860.

Resolved by the General Assembly of the State of Arkansas, That the following sums of money be appropriated out of any money in the treasury, not otherwise appropriated, to pay the expenses of conveying the body of the late Hon. William A. Jones to his place of residence in St. Francis county, viz: To Isaac Huyck, fifty dollars; to Alexander George, fifty-four dollars; to G. W. Lemoyne, for expenses, fifty dollars and forty-five cents; to E. Illy, for a metallic coffin, one hundred and fifty dollars; to D. C. Fulton, for clothing furnished, five dollars and seventy-five cents.

APPROVED, January 10, 1861.

WHEREAS, Serious alarm and apprehension exist among the citizens of this state, on the western border, of troubles likely to grow out of the unsettled condition of the affairs of the country; *And whereas*, there are now on hand, belonging to the state, upwards of one thousand Minnie rifles, and other arms; therefore,

Be it resolved by the General Assembly of the State of Arkansas, That the governor be, and he is hereby requested, forthwith, to arm such number of volunteer companies in Crawford, Sebastian, and all other counties bordering on the Indian line, not exceeding three in each county, as in his judgment will be necessary to protect the lives and property of our citizens, and such companies receiving such arms shall hold themselves in readiness for active service.

Resolved further, That the governor be requested to send said arms to the counties on the border immediately, and that the expenses of the transportation thereof shall be paid out of any money in the treasury not otherwise appropriated, and the auditor shall draw his warrant upon the treasury for such amounts whenever certified by the governor.

Resolved further, That the captains of the several companies to be furnished with said arms, who shall, upon receiving the same, enter into bond to the governor, to be by him approved, in a sum sufficient to cover all cost of arms and accoutrements, that the same shall be safely kept and delivered to the state when required.

APPROVED, January 17th, 1861.

Resolved by the General Assembly of the State of Arkansas, That the following sums be appropriated out of any money in the treasury, not otherwise appropriated, to pay Joseph F. Shears, for music furnished on the funeral occasion of the late Hon.

William A. Jones, the sum of forty dollars; to pay Old Line Democrat for printing programme for funeral ceremonies, the sum of five dollars.

APPROVED, January 18th, 1861.

Proposed amendment of the Coustitution of Arkansas.

Resolved, That section twenty-nine of article four of the constitution of this state, be so amended that a new county may be formed out of a portion of the territory of the counties of St. Francis and Jackson, and further, that said new county shall not contain less than six hundred square miles, and a population sufficient to entitle it to a representative in the lower house of the legislature; *And provided further*, That the said counties of St. Francis and Jackson in the establishment of said new county, shall not be reduced below six hundred square miles, and a population sufficient to entitle them to a member each in the lower branch of the legislature.

APPROVED, January 19th, 1861.

OFFICE OF THE SECRETARY OF STATE,
Little Rock, Arks., March 30, 1861. }

I have compared the foregoing-printed laws and resolutions with the original rolls thereof, in my office, and do certify that they are a true copy, with the exception of those words included [thus], inserted to correct an obvious error.

JOHN I. STIRMAN,
Secretary of State.

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